

CHILE



an Amnesty International report

AMNESTY INTERNATIONAL is a worldwide human rights movement which is independent of any government, political faction or religious creed. It acts on behalf of men and women who are imprisoned anywhere for their beliefs, colour, ethnic origin or religion, provided they have neither used nor advocated violence.

AMNESTY INTERNATIONAL opposes capital punishment and torture in all cases and without reservation. It is now conducting an international Campaign for the Abolition of Torture.

AMNESTY INTERNATIONAL, in its work for prisoners of conscience, seeks observance throughout the world of the United Nations' Universal Declaration of Human Rights and of the Standard Minimum Rules for the Treatment of Prisoners.

AMNESTY INTERNATIONAL has consultative status with the United Nations, UNESCO, the Council of Europe and the Inter-American Commission on Human Rights of the Organization of American States and is recognized by the Organization of African Unity.

cover: Four leaders of Chilean junta leaving Supreme Court of Justice in Santiago followed by armed bodyguards.

(left to right) Director-General of Police César Mendoza Duran, Army General Augusto Pinochet Ugarte, Judge Enrique Urrutia Manzano (not a member of the junta), Admiral José Toribio Merino Castro, Air Force General Gustavo Leigh Guzmán.

Rex Features photo

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Amnesty International Publications

1974

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above: the late President Salvador Allende.
below: General Augusto Pinochet Ugarte, head of the military junta that overthrew Allende.



PREFACE

Since September 1973 when the democratically elected government of President Salvador Allende was overthrown in a military coup of astonishing savagery, the infringement and repression of human rights in Chile have continued unabated.

The death roll of victims is unprecedented in recent Latin American history, and there is little indication that the situation is improving or that a return to normality is intended.

Twelve months after the coup, despite the Government's apparent absolute control over the country, the junta still deems Chile to be in a "state of war and a state of siege".

Repeated assurances from the Government that human rights would be respected have proven to be totally unfounded. Torture is still being practised, while military tribunals continue to try persons charged with the retroactive offence of cooperating with President Allende's constitutional government prior to the coup. Little or no opportunity is given to defence lawyers and witnesses for the defence.

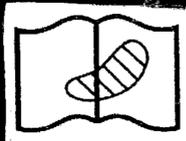
The Human Rights Commission of the United Nations and the Organization of American States have voiced their concern about the events in Chile—a concern echoed by the many governments, international organizations, distinguished world figures and people of many countries who have supported programs of assistance to refugees and to the families of those who have suffered, been imprisoned or disappeared since the coup.

A chronology of Amnesty International's own activities *vis a vis* Chile is included at the end of this report.

It is a report in which we have attempted to summarize the testimonies of Chileans themselves, statements by the Chilean government, the findings of international observers, the conclusions of Amnesty International's own mission to Chile, and the eyewitness reports of many lawyers, journalists, churchmen, doctors and others who either were in Chile at the time of the coup or who have visited Chile since then.

In publishing this report, Amnesty International hopes that it will provide a factual basis for a continuing program of assistance to the victims of the coup and what is equally urgent, for a renewed campaign of international pressure upon the Chilean Government to restore human rights in Chile.

Martin Ennals
Secretary General
Amnesty International



INTRODUCTION

On 11 September 1973 the constitutional government of President Salvador Allende was overthrown by a swift but violent military coup in which Allende himself died. The coup, the first in 40 years in Chile, ended a longstanding tradition of democratic government and non-intervention by the Chilean armed forces in civil and political affairs. The sequence of events immediately after 11 September has been amply documented by the reports of many organizations, journalists and individuals. In an atmosphere of extreme xenophobia, many thousands of foreign refugees and visitors were imprisoned or expelled; thousands of Chilean civilians lost their lives, either killed during the brief fighting, or executed without trial or after drum-head courts martial within hours of their arrest.

An estimated 40,000 Chileans were detained, denounced by neighbours or professional associates, or arrested by the military merely because of the positions they held during the previous government. All pro-Allende newspapers, magazines, radios and other media were closed down; their directors were killed, imprisoned or forced to seek asylum. All political parties that had formed the Popular Unity coalition of the Allende government were outlawed; leaders and militants of these parties were subjected to immediate and bitter persecution. The Central Workers Union was immediately outlawed, and the rights to strike and freedom of association were effectively terminated. Control of the universities and hospitals was immediately taken over by the military. Recognized Allende supporters among teachers and students were expelled from the universities, a vast number being detained.

The military coup occurred in an atmosphere of bitter social tension, after months of increased polarization between pro-Allende and anti-Allende factions. Many sectors, including some factions of the moderate Christian Democrat Party, had called for military intervention, and initially expressed their support for the coup. In this atmosphere, in which extremist factions of both the left and the right had allegedly been arming themselves in preparation for possible conflict, it was predictable that military intervention could not occur without a degree of violence.

Some optimists, short-sightedly, hoped for a quick return to civilian rule. But 10 months after the coup, the intentions and policies of the military junta have become clearer. Congress remains dissolved. A "state of war" declared on 22 September, is still in force. A six-month "state of siege" (since renewed for a further six months) was declared by a decree law, drastically limiting civilian freedoms and permitting the military to arrest, interrogate, detain and judge whomsoever it wishes for as long as it wishes, in accordance with the severe penal legislation of the Code of Military Justice as applied in a "state of war".

Torture has been common practice during the interrogation of political prisoners. Confessions extracted by torture have been accepted as admissible evidence by the military tribunals. Torture has been carried out by, among others, members of those intelligence services which are responsible only to the junta for their actions.

The major concerns of Amnesty International are to seek the release of prisoners of conscience, to work for adequate treatment for all prisoners, and to fight for the protection of the rule of law. Consequently this report does not describe overall conditions that have prevailed in Chile since the military coup. We do not describe the plight of the tens of thousands of workers (estimated at over 200,000) who have lost their employment for political reasons, many of them apparently being reduced to starvation levels; nor do we detail the critical situation in universities and similar institutions.

The report is limited to a description of the situation of political prisoners, their identity, their legal situation, their treatment and conditions. It is a fundamental premise that prisoners cannot hope to receive adequate treatment and safeguards when the independence of the judiciary has been threatened or destroyed. For this reason, a major section of this report is devoted to analysis of military justice in Chile and a description of the severe and almost insurmountable problems facing lawyers who have attempted to give a serious defence to political prisoners.

Much of the report is based on information submitted to Amnesty International by organizations who have conducted inquiries in Chile since 11 September 1973 and on the findings of the Amnesty International delegation that visited Santiago in November 1973. A number of lawyers who have visited Chile recently, either as representatives of organizations or in a private capacity, have also submitted their findings to Amnesty International. In this context, it must be noted that the Chilean junta, even while imposing severe press censorship and expelling a number of foreign correspondents, has usually granted foreign observers considerable freedom in which to conduct their inquiries.

Much evidence has been submitted in confidence by families of prisoners and by ex-prisoners themselves; inevitably under the present conditions they would not wish their names to be revealed.

One: ALLENDE AND THE JUNTA

Since September 1973 the junta has attempted to justify its actions by arguing that equivalent violations of human rights took place under the Allende government. It is important to examine this claim in some detail.

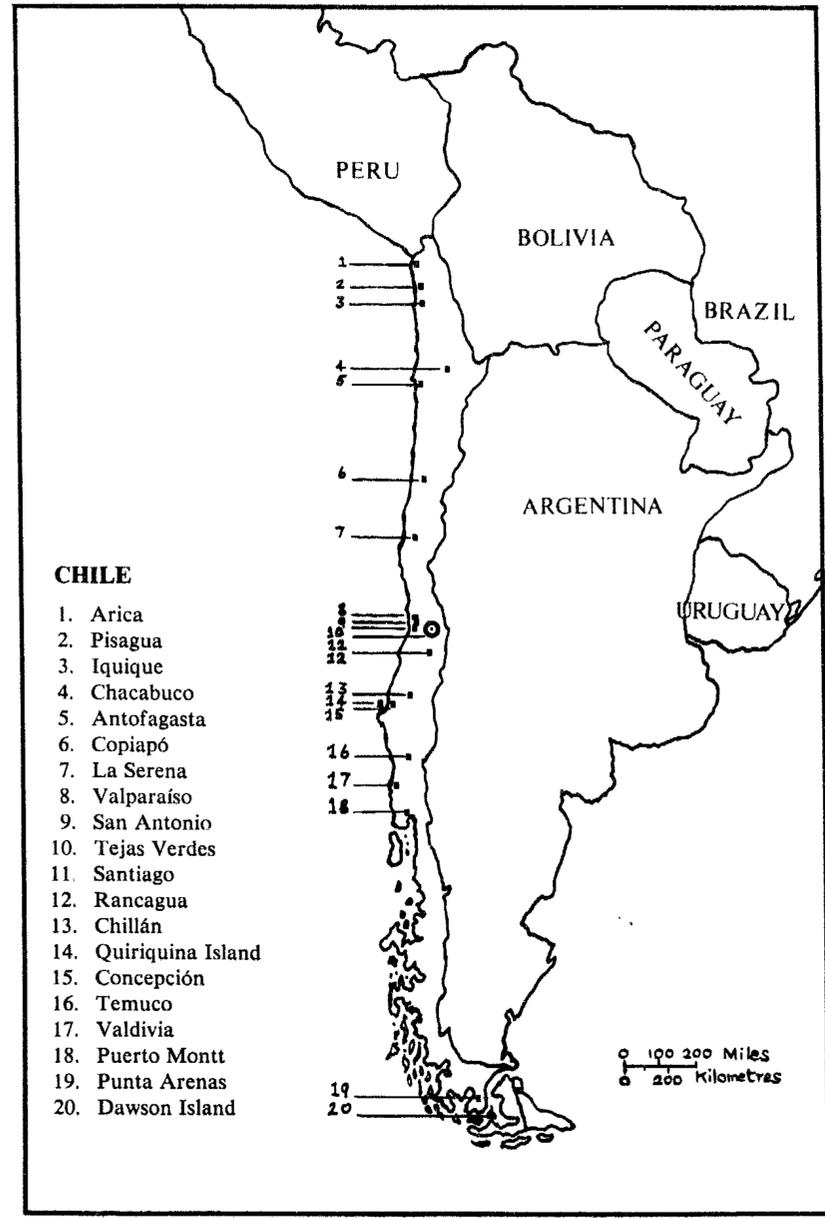
In January 1974 the Chilean Foreign Ministry, rejecting the report of Amnesty International's mission to Chile, commented in a news release:

Amnesty International's impartiality is somewhat placed in doubt by its almost incredible lack of interest in protecting human rights in Chile during Allende's government. During that period human rights were systematically trampled on through political assassination, arbitrary arrests of journalists and professional people, torture of political adversaries, illegal seizures, etc.

It is difficult to substantiate these allegations. Political arrests certainly took place under Allende, both of extreme left and extreme right wing persons. Such political arrests occurred mainly during the periodic states of emergency that were proclaimed throughout the three years of the Allende government. Yet detained persons were released within a few days, on the termination of the State of Emergency. Restrictions also were placed sporadically on the freedom of the press. The leading anti-government newspaper *El Mercurio* was closed down for one day in June 1973, after publishing advertisements of the right-wing National Party alleging the illegality of the Allende government. Yet such restrictions were temporary, in contrast to the permanent dissolution since the coup of all newspapers which supported the Allende government.

Amnesty International can cite only two specific allegations of torture during the three years of the Popular Unity government, although the beating of common-law prisoners is reported to have been practised in local police stations for many years in Chile. Ironically, one of these two allegations was made by the extreme left-wing MIR group (Leftist Revolutionary Movement) and not by right-wing adversaries of the government.

There is no doubt that political violence, including political assassination, was particularly widespread during the last months of the Popular Unity government. Press reports describe several bomb attacks, though they indicate that they were usually provoked by right-wing terrorist groups, especially the *Patria y Libertad* (Fatherland and Freedom) organization which openly admitted its intention to bring down the government by violent means. The most severe case of open violence occurred on 29 June 1973, when a rebel faction of the armed forces stormed the Moneda Palace, in a clash which resulted in the loss of at least 29 lives. General Carlos Prats, Commander in Chief of the Armed Forces, remained loyal to the government and averted a crisis. When President Allende



asked Congress for a 90 day "state of siege" after the abortive uprising of 29 June, his request was rejected by Congress. Allende made do with a "state of emergency", which was lifted on 4 July. By 5 July, civilian rule had been restored fully. The junta, by contrast, dissolved Congress and has declared an apparently permanent state of siege.

While it is certain that arms were stockpiled by many groups during the Allende government, it is almost equally certain that the junta has since exaggerated the extent of the problem. In October 1972, after pressure from the Christian Democrat Party, the Allende government passed the *Ley de Control de Armas* (Law of Arms Control), although the new law was not actually implemented until July 1973. From this date onwards, the Chilean military and police frequently raided factories under workers' control and the regional headquarters of political parties (in particular, extreme left-wing parties).

Since the military coup the junta has alleged in defence of its intervention that large quantities of armaments were illegally imported into Chile by leftist political groups with the consent of the Allende government. The junta has also alleged that the most heavily armed group was MIR, which had its headquarters in Concepción. Yet shortly before the coup the opposition press, when it published a report on MIR's believed strength in Concepción, asserted that in this town the movement had between 300 to 400 active militants, with: "about 20 rifles, 20 pistols and a stock of hand grenades between them".

In recent political trials, the military prosecution has asserted as a major legal justification that the previous government was illegal, in that many of the economic, social and political measures passed by the Allende administration were in violation of the Chilean constitution and national laws. In its "White Book" (see below) the new government has cited many resolutions passed by the Bar Association, the Supreme Court and the Chamber of Deputies, to support its views. Opponents of the Allende regime argued that nationalization of private concerns took place without the requisite judicial authority.

On 22 August 1973 the Chamber of Deputies passed a resolution demanding that the military members within the Allende Cabinet should hold the government to observing the law. At the beginning of September, the Christian Democratic Party announced that it would commence impeachment proceedings against "at least six" of Allende's Cabinet for failing to uphold the law. According to an article in the New York newspaper, the *Wall Street Journal*, the Supreme Court actually ordered the arrest of two Allende Ministers in July 1973, for failing to uphold a Supreme Court order.

It is certain, then, that there was a developing crisis of both administrative and legislative power throughout the three years of the Popular Unity government. It sprang mainly from a dual interpretation of legality. Allende's supporters argued that the Popular Unity government—though stretching legality to its utmost—had never acted in breach of the constitution and had always upheld the independence of the judiciary and legislative bodies. There appears to be much truth in this. The Supreme Court and Bar Association maintained their independence and freedom to criticize the government, while the presidents of both bodies were

bitterly opposed to Allende. On the other hand the executive arm of government tended to side-step the rulings of the legislative arm.

Opponents of the regime argued that the government had done nothing to control the illegal occupation of land and factories, the increased stockpiling of arms. They criticized the restrictions on the right to strike and alleged that the widespread expropriation of private concerns took place on an unsystematized basis, without due respect for law.

In fact, both political and non-political strikes continued unabated throughout the Popular Unity government. Although the Government tried to intervene when a truck drivers' strike crippled the economy in October 1972, the majority of Chilean professional organizations were conducting an extended strike—with the avowed intention of bringing down the government—at the very moment that the military coup took place. Although attempts were made by some lawyers to take proceedings against doctors, on the grounds that their strike was unethical, these strikes were never declared illegal.

It is ironic that one of the reasons given by the junta to justify the coup was the need to safeguard Chilean institutions, and ward off the dangers of "Marxist dictatorship". Though many critics have claimed that the atmosphere was one of licence rather than liberty, it is clear that individual freedom was respected. The concerns of Amnesty International are human rights, and the observance of the Universal Declaration of Human Rights. Although Chile was caught up in the net of endemic local violence that is characteristic of many Latin American countries (Mexico and Argentina are but two examples), there is no evidence that the suppression of individual rights and guarantees was ever a deliberate policy of the Allende government. The junta now claims that the acts of the Allende government rendered it illegitimate, thus making thousands of its supporters liable to prosecution for retroactive criminal offences. Some individuals may well have acted outside the law, but this is surely no basis on which to challenge the legitimacy of a constitutional and democratically elected government, nor to assert that many individuals are guilty *de facto* of criminal offences because of their collaboration with it.

After 11 September the aims of the new military government soon became clear. They were to "eradicate Marxism" once and for all in Chile. Executive power passed to the hands of a junta of four members, the Commanders in Chief of the Army, Navy, Air Force and National Police. General Augusto Pinochet Ugarte, Commander in Chief of the Army, was first made President of the ruling junta, and more recently (mid-June 1974) was elevated to the position of formal Head of State. The junta elected to rule by a system of decree laws, suspending Congress and the activities of the National and Christian Democratic Parties. All other parties were declared illegal.

Asserting that its aim was to restore "law and order" in Chile, the junta announced in a communique on 14 September that the Allende government had gone beyond the limits of the law in a clear and deliberate manner, accumulating in its hands the greatest amount of political and economic power, and placing all the rights and liberties of the country in grave danger.

Moreover, one of the immediate pretexts given for the coup was the alleged presence of over 10,000 "foreign extremists" who had illegally entered Chile during the three years of the Popular Unity government. The new Minister of Interior, General Oscar Bonilla, proclaimed on 14 September that the armed forces had been compelled to intervene "... in order to safeguard the destiny of the country, seriously threatened by extremist elements, including over 10,000 foreigners".

Over the next few weeks, the junta elaborated further on the alleged reasons for the military coup. On 17 September General Pinochet stated that the armed forces and police had acted unanimously when "military intelligence services verified the existence of large arsenals in the power of Marxist elements". Two leading newspapers reported on the same day that the former government had plotted to assassinate top military officers and opposition political leaders.

At the beginning of November 1973, the junta published its "White Book", which can be considered the official textbook outlining the reasons for the coup, and a summary of the allegations against the Popular Unity government. Because of the importance that the junta and its supporters have attached to the contents of this document, we reproduce here the parts of the text relating to the coup and the official "justification":

It was not really the military institutions, however, that began the final movement.

It was the Popular Unity, urged by Salvador Allende, or at least with his consent, who forced those in uniform to make this ultimate decision.

All the evidence shows that the Popular Unity had understood, since mid-1973, that its preposterous economical policy had sunk the country into the mire with no democratic way out, or, in other words, with no other democratic means of escape than the forsaking or surrender of the Government on the part of Mr Allende and his followers, a possibility that neither the latter nor the former were willing to accept.

They preferred, therefore, a desperate attempt to take possession and control of the whole country by force. For such purpose they prepared detailed and specific plans, which included:

(1) a "self-inflicted coup" planned for mid-September, preferably during the festivities for commemorating our national independence (18th and 19th).

This self-inflicted coup would be carried out by well and carefully chosen terrorists and paramilitary groups, simultaneously throughout the country, and most specifically in Santiago. The best organized of these teams or groups was, naturally, the GAP ("Group of Personal Friends"), Mr Allende's own security team, composed of about two hundred carefully selected men, well trained and flawlessly armed.

An enormous quantity of arms were accumulated for this self-coup, stored in places that could not possibly be broken into and searched (such as the Presidential Palace of La Moneda, and the private residence of Mr Allende on Tomás Moro Street), and included: revolvers, semi-automatic pistols, rifles, carbines, semi-automatic carbines. . . . All this armament — of Czechoslovakian and Soviet origin — was introduced into Chile a little at a time, and under the most diverse pretexts and circumstances: only a part of these weapons have as yet been recovered, and, with that part only, five thousand men could easily be equipped.

The detachments or units were trained in the use of firearms and guerrilla warfare in several guerrilla schools. One of them operated with the utmost

impunity in the presidential residences of Tomás Moro and "El Cañaveral" (in the pre-cordilleran sector of El Arrayán, in the outskirts of Santiago). These schools had been supplied with textbooks and propaganda, classrooms, teachers, and included courses on the use of firearms, hand-to-hand fighting, handling of explosives, and others; Salvador Allende himself learned how to use and handle sub-machine guns in such schools; there is abundant photographic evidence of his training exercises.

Such training programs required the presence of experts in guerrilla warfare, who came from all parts of the world, and, most especially, from Cuba, Brazil, Argentina, etc, and were recruited from amongst the terrorists of those countries. It is estimated that their number fluctuated between ten and thirteen thousand.

The self-coup further required an adequate financing. To such an end, the State's resources, both in local and foreign currency, were squandered with no stinting or measure. Some public services had secret budgets, parallel to the official budgets. Agitators, terrorists and guerrillas were engaged as employees and labourers of the State, which thus protected and paid actual militias, such as that of the "Corporación de Obras Municipales" (Municipal Works Corporation). . . .

This need to finance the self-coup explains why, when the military movement of 11 September came about, millions of escudos in local currency and tens of hundreds of dollars, were discovered in the possession of officials or politicians of the Popular Unity or in their homes — with no possible valid explanation, and having been withdrawn from the fiscal treasuries.

The self-coup was to have started with the physical elimination, by terrorist commandos, of high officers of the armed forces and of the police, as well as of opposition political and union leaders. This cruel and gory plan was known as "Plan Z".

Shortly after 11 September, written and detailed instructions concerning Plan Z, containing all the particulars of those who were to be eliminated, and the appointment of the terrorists who were to put into execution the respective assassinations, were discovered: in the documents found, these terrorists were identified by aliases.

(2) Jointly with accelerating to the utmost degree the arrangements for the self-coup, an enveloping pliers movement was started directly against the bases and against the high commands of the armed forces and the police . . . its purpose was to divide the military institutions, or, at least, to secure their passivity when the moment for the self-coup arrived. . . .

Simultaneously, the Popular Unity unleashed a campaign of speeches, workers' concentrations, meetings, press, radio and television releases and propaganda against the armed forces and police. They criticized, with an increasing virulence, the carrying out by the men in uniform of the Law on the Control of Arms, and invited the soldiers to disobey their superior officers. Notices containing identical invitations were even posted on the outer walls of the barracks and recruiting centers, and handbills were distributed and circulated inside military premises. . . .

The military intelligence services began to detect and communicate all actions of this type to the higher spheres of their institutions.

The conclusion was clear: the *Unidad Popular* and Salvador Allende, not satisfied with trampling upon the majority will of the country, with violating the substance and the form of the Constitution and of the laws, with disregarding the condemnation and the warnings of the other powers of the State, with ruining the country economically and financially, and with having sown and spread hate, violence and death throughout the nation, was prepared and ready to carry out this self-coup designed to conquer an absolute power

based on force and crime, and installing the "people's dictatorship" that it claimed on the title page of one of the latest editions (17 July) of the magazine *Punto Final*, spokesman for the MIR.

In view of the foregoing, the armed forces decided to act.

They did so, furthermore, urged by the completely stationary situation in which the country found itself — due to the recent multiple union lockout, similar to that of October 1972 — and by the reiterated requests that all the sectors of national activity had been making to Salvador Allende, demanding that he resign from his high office in order to avoid a civil war. . . . The action of the armed forces had a minimum cost of destruction and lives. . . .

The *Junta de Gobierno* is devoted, at present, to the solution of the huge problems of all kinds that are its inheritance from Allende and the *Unidad Popular*. One of these many problems, undoubtedly not a lesser one, is to find a new institutionalism that effectively corresponds to the present reality of this country, and that would prevent, most definitely, the repetition of the bitter days lived in Chile between 4 September 1970 and 11 September 1973.

Such is the junta's verdict. It is not for Amnesty International to evaluate the validity of the evidence for or against the existence of Plan Z. As noted above, many groups were armed in Chile. After the abortive military coup of 29 June 1973 it is probable that many sectors, particularly Allende's private bodyguard, were heavily armed at a time of crisis. Yet it is our concern that people should have the chance to prove their innocence, should not be tried by retroactive penal legislation, and should not be subjected to arbitrary arrest or to torture. It must be remembered that, whatever the political antecedents, it was the armed forces that took the first step in institutionalizing violence, and drastically limiting fundamental human rights. It is the armed forces that have installed those very conditions which they claimed their intervention was designed to avert. There can be no clearer indication of this than the fact that the junta has either not tried its detained political adversaries or tried them under such drastic conditions that they have had no real chance to prove their innocence.

Two: POLITICAL PRISONERS

Who are the political prisoners in Chile? Why are they detained? What are the charges? For the most part, the junta has claimed that all political prisoners either participated in preparations for Plan Z or were guilty of civil offences during the period of "illegal" Allende government. At the time of writing, only a minority of political prisoners have been indicted, while an even smaller percentage have been brought to trial before the military tribunals.

One legal source in Santiago recently estimated that, of over 6,000 persons known to be still in detention, a maximum of 2,000 could expect to be brought to trial. The remainder would be held in indefinite preventive detention, for as long as the state of siege lasted.

In the trials to date, charges have usually involved violations of the Law of Arms Control, or the Law of Internal Security. Most tried prisoners have been charged with direct or indirect participation in Plan Z. Other prisoners charged under the Law of Internal Security have been accused of such ambiguous offences as the propagation of Marxist doctrine, or even participation in university demonstrations or land "invasions" several years before the time of the military coup. Recent trials indicate that the juridical basis for the charges is the tenet that all political parties that supported the Allende government were organized in a military fashion — and were acting outside the law. By this juridical interpretation, all Chileans who were "activists" within the Popular Unity government in any field — whether government, health, finance, education, labour, culture, journalism or even justice — may be liable to dismissal from their profession or prosecution for "criminal offences".

Consequently, political prisoners have stemmed from every sector of the Chilean population. Allende's cabinet ministers are in prison. At least 40 lawyers have been detained, many for having exercised their professional duties. Approximately 100 medical doctors were arrested (the majority of them now free), almost invariably accused of participation in "clandestine hospitals" which would have treated pro-Allende casualties in the event of a civil war. Journalists who worked in pro-Allende newspapers, magazines, radio or television stations have been imprisoned, killed or forced to seek asylum. A similar fate has met all leaders of the now disbanded Central Workers' Union.

Prominent actors and artists have been imprisoned for their participation in popular theater, film or ballet. A large but unknown number of university professors, writers, economists, agricultural experts, architects and others are in detention, accused of spreading Marxist policies within the universities and national planning organizations. Officers from all sectors of the armed forces themselves have been detained and tortured, after refusing to support plans for the military coup.

Even the Church has not escaped the repression. At least two Roman Catholic priests are known to have been killed by the military soon after the coup. A leading Methodist minister was arrested for a short period in April 1974, allegedly after being denounced by his superiors. Many other priests have been forced to leave Chile.

Generally speaking, the fiercest repression has fallen on leaders and activists of the major political parties that formed the coalition of the Popular Unity government of President Allende: the Socialist Party, Communist Party, Radical Party, MAPU and Christian Left. Particularly brutal treatment has been suffered by the militants of MIR, a movement that had advocated revolution by violent means in the 1960s, but which had abandoned its violent platform in favour of collaboration during the three years of the Popular Unity government. But by no means all prisoners have belonged to such political parties. Members of the broad-based Christian Democrat Party, which originally supported the military coup, have themselves suffered political imprisonment and torture.

Numbers: The Problems of Statistics

Although it has always been impossible to know the true number of political prisoners since the coup, it is certain that the figure is far greater than the junta has admitted at any given moment. In the first weeks after the coup, Church sources in Chile estimated the number of political prisoners as between 45,000-50,000 (excluding those prisoners who were detained for a period of 24 hours or less). The figure given by the junta was less than a quarter of that amount. By spring 1974, official figures were between 3,000 and 4,000, while Church estimates were approximately 10,000.

In April 1974 the International Commission of Jurists reported that approximately 6,000 to 7,000 political prisoners could be accounted for (the junta had raised the official figure to approximately 6,000) while "there may be as many as a further 3,000 people under arrest at any one time who are being held for questioning in military barracks, police stations or other interrogation centers".

The problem of obtaining accurate statistics was made clear to the Amnesty International mission in November 1973. We attempted to secure lists of prisoners from several sources and several ministries. We were informed by officials of the Ministry of the Interior that lists of detainees existed, but were "secret". According to Admiral Ismael Huerta Diaz, the Foreign Minister, approximately 10,900 persons had been in custody up to the latter part of October, though many had been released. After repeated requests for statistical lists, the Foreign Minister showed the Amnesty International mission a carefully compiled book which accounted for these 10,900 persons, but marked the majority as "released".

The inadequacy of such statistics was amply revealed by our independent inquiries. International organizations had reported that there were as many as 7,000 political prisoners in the National Stadium of Santiago alone at the end of September. By the end of October the figure was 1,948 (20 October) and 1,800 (31 October).

The AI delegation received reliable information shortly before it left that the

numbers of prisoners recorded at various times in October in only a few places of detention were as follows:

PRISON	NUMBER
Rancagua Prison	496
La Serena Prison	449
San Antonio Prison	101
Puente Alto Regiment	334
Pudeto Regiment (in Punta Arenas)	129
Dawson Island (approximate)	100
Concepción Stadium	589
Quiriquina Island	552
Temuco Prison	341

These few statistics account for 9,990 prisoners* in only *ten* places of detention. Church sources have accounted for no less than 30 places in the Province of Santiago alone where political prisoners have been detained since the coup.

We give these few scattered statistics only to illustrate the immense problems in accurate reporting. In the last weeks of October, thousands of fearful Chileans waited outside the National Stadium, hoping for some indication that their relatives were alive. Many months later, Church leaders issued a writ of *habeas corpus* on behalf of 131 Chileans who had disappeared since their last date of arrest. Hundreds of persons are still unaccounted for, while the death of many others can now be presumed. Recent information indicates that up to 2,000 Chileans may have been executed after secret military trials (or have been killed in detention without even the semblance of a trial) up to the end of December 1973.

At the present moment, it is still impossible to secure accurate statistics. The National Executive Secretariat for Prisoners (SENDET), which is officially responsible for controlling statistical information concerning political prisoners, is itself unable to secure information concerning all those detained in military barracks. Even now, statistics have to be compiled from the oral reports of ex-prisoners recently released from the many places of detention. Until the junta cooperates by publishing lists of all detainees, there will be no reason to doubt that the number of political prisoners remains as high as 7,000 or even more.

Places of Detention

If it has been difficult to estimate the number of prisoners, it has been equally hard—which is even more disturbing—to know where prisoners are held. Although thousands of prisoners have been held in huge detention centers which have been specifically converted or designed for that purpose (National Stadiums of Santiago and Concepción, Chile Stadium in Santiago, Dawson Island, Quiriquina Island, Pisagua, Chacabuco, Riesco Island near Valparaíso) thousands more have been held in less known places. It would be impossible, and unnecessary, to list all such places in Chile. The following places of detention can be listed in Santiago Province alone:

* Including the initial figures in the National Stadium in Santiago.

Military Academy
 Buin Regiment
 Tacna Regiment
 Telecommunications Regiment
 Tank Regiment no. 2
 El Bosque Air Force Base
 Air Force Polytechnic Academy
 Air Force Academy of War
 Army Base of Quinta Normal
 Ministry of Defence (underground rooms)
 Central Police Barracks
 National Police Barracks of Nuñoa
 National Police Barracks of Quinta Buin
 National Police Barracks of Ronca
 National Police Barracks of Puente Alto
 Tejas Verdes Regiment
 Bucalemú Regiment
 Railway Regiment of Puente Alto
 San Bernardo Infantry School
 Military Quarters at Cerro Chena
 Colina Air Base
 Colina Parachute School
 Chile Stadium
 Calle Londres no. 38 (private house used as interrogation center)
 All individual police stations
 Augustinas no. 632 (private house used by the Air Force for the
 interrogation of doctors)
 Police units of Melipilla and Talagante
 Polytechnic for Minors of San Bernardo
 Air Force Specialist School

It should be noted, moreover, that this list, long though it is, describes only those places of detention which are not generally used for the custody of prisoners. Vast numbers of prisoners have also been detained in the Public Prison of Santiago, the National Penitentiary of Santiago, and the Women's House of Correction.

The implication of this list is alarming. It shows how units of each sector of the armed forces has seen fit to use its own military premises for the arbitrary detention and interrogation of prisoners who have had no recourse to legal protection of any kind. One must also note that, while all these places have been used for the custody of prisoners, few of them are recognized as established places of detention. In many ways, this increases the problems of prisoner, relative and lawyer. When such military barracks cannot be *proven* to be places of detention, there is no way a lawyer can obtain access to them.

In the provinces the situation is essentially the same, but it is more difficult to establish which centers are used for the detention of political prisoners at any

given moment. In the province of Antofagasta, three such places (National Police Barracks in Antofagasta, Cerro Moreno Air Base, Antofagasta National Police Academy) have been depicted as places where torture has frequently occurred. We have little doubt that further investigations will reveal many other places, in other provinces, where conditions have been equally grave. Despite the large number of military places of detention, it is probable that only a minority of the political prisoners are detained there. Pending trial, the majority are detained in public prisons (though often removed thence for further interrogation). After trial prisoners are handed over to the jurisdiction of the Ministry of Justice and almost invariably committed to the public prisons. The majority of those in the official detention camps (Chacabuco, Pisagua, etc) are usually detained under state of siege legislation and have neither been charged nor tried.

Prison Conditions and Interrogation Procedures

World opinion has tended to focus on conditions in Dawson Island, Pisagua, Quiriquina and Chacabuco, referring to such places as "concentration camps". If this term is used in its European connotation it is a distortion of reality. Conditions have been comparatively good in some of these places (despite the severe climate of Dawson Island in the Magellan Straits near the Antarctic). The junta has gained considerable propaganda advantages by permitting visits of foreign journalists and delegations to Dawson and Chacabuco and asserting that conditions in these places were representative of all prison conditions in Chile.

Immediately after the coup, general conditions were appalling. This was before any foreign observers were able to enter the country. The junta, announcing that no visits would be permitted to places of detention before the International Committee of the Red Cross (ICRC) had made inspections, kept the ICRC waiting on the Argentine-Chile borders for a full week before the borders were opened. During this period the Chile Stadium (not to be confused with the National Stadium which is also in Santiago) was in use.

The first, and probably most notorious, of the ad hoc detention centers used was the Chile Stadium, a small stadium built for basketball and similar pastimes. The majority of prisoners were detained in very crowded conditions for five days in the first few days after 11 September. Many report having received no food and drink during that period. Detainees there alleged that they had witnessed executions and had heard prolonged machine-gun fire which could have indicated either the death of their comrades or simulated executions. We reproduce here a detailed account of conditions in the Chile Stadium, written by a group of Brazilians detained there, which was handed to the AI delegation during their stay in Santiago:

The terror commenced with the arrival of the prisoners in the stadium. They arrived in army buses and police buses, in vast quantities. The reception was formed by hundreds of soldiers and policemen, who placed the prisoners against a wall in front of the stadium, continually beating them with hands, feet, boots, gunbutts, etc. After this first moment, they formed "dark corridors" which the prisoners were forced to pass in order to enter the stadium. Once done, they entered a kind of hall, where they remained several

hours lying face-down with their hands behind their necks, without being able to move. In this position the continuous blows produced spasms throughout the body; after a few hours one was unable to move, remaining completely paralyzed.

It appears that the purpose of this beating was to quell the physical and psychological resistance of the prisoner before he passed to the following stages: torture, interrogation, etc. From here, many were taken directly to the interrogation and torture rooms, or to the basement where many met their death. The great majority were led from here to the galleries and sports center of the stadium and to the corridors, once the capacity of the stadium was heavily surpassed. In the galleries and sports center approximately 6,000 people were massed together, the majority of them in a pitiful condition because of the violence with which they were treated and because of the following conditions:

Hunger: During the five days that most people remained there, they were given no food except for a small cup of cold coffee.

Cold: As the majority of the prisoners had been arrested at work or in their homes without being permitted to clothe themselves adequately, as they were given no type of shelter and were obliged to sleep on the bare cement of the galleries and corridors, people suffered the consequences of intense cold which were reflected in pulmonary diseases.

Tiredness: During the five days it was almost impossible to sleep, given the conditions of overcrowding, cold, hunger; tension and terror with the expectation of interrogations, and the pain provoked by the beatings.

Apart from all these factors, it was clear that the military intended deliberately to terrorize the prisoners. The prisoners were distributed in columns receiving orders from instructors appointed by the camp commander and second-in-command, an army colonel and major. These columns were obliged to move unceasingly from one part of the stadium to another in accordance with the orders. One column was moved from the gallery to the sports center, another from the sports center to the gallery, and then vice-versa. This "game" continued throughout the period that the camp was used. At moments when the tension rose, the commanders ordered soldiers to open fire with their arms inside the stadium; throughout the bursts of fire the prisoners had to lie down one on top of the other, creating a situation of general panic. Some of these bursts of fire lasted for several minutes while soldiers shot at the roofs and wall with machine-guns, rifles and pistols, creating the atmosphere of a battle-field while the prisoners remained completely paralyzed, unable to see what was happening and unable to put an end to this situation. It was only when the prisoners received the order to return to their previous positions that the anxiety ceased. This was repeated for all the time that we remained there.

All this tension generated a despair and unbalance so great that some resorted to suicide protests. There are some examples to illustrate this:

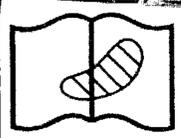
A. A worker who was being pushed by a soldier with his rifle reacted, as a result of which he was beaten by soldiers and officials. Meanwhile the camp commander appeared, ordered that he should be more heavily beaten and transferred to the basement where tortures and executions were carried out. In this situation the worker, terrified, tried to free himself from the soldiers -- an act which caused the camp commander to intervene personally in the beating until he died; not content with this, the commander (a colonel) took out his pistol and shot the worker. All this happened before the eyes of 6,000 people who were heaped in the sports center and galleries. This assassination caused a protest by the prisoners, which was stifled by an intense burst of firing ordered by the commander and the other officials present (mainly the



above left: Admiral Ismael Huerta Diaz, the junta's Foreign Minister.

above right: José Tohá, former Minister of Interior and of Defence, who died in mysterious circumstances after the coup.

left: Cardinal Raúl Silva Henríquez, who condemned the use of torture under the junta.



"black berets").

B. A youth of approximately 16 years, who had become completely unbalanced from this situation, was wandering through the galleries shouting illogical things—a fact that was known to all the officials, soldiers and prisoners; this began to create problems of discipline for the soldiers. After two days they found a solution. They allowed him to go to an isolated corridor, where a soldier on guard stopped him violently by hitting him with his rifle barrel—a thing which frightened him and caused him to cry out. At this moment the soldier, who was only a few feet away, shot him in the chest and caused instant death. This execution was also witnessed by all prisoners in the stadium.

C. Another worker, also unbalanced by the situation, threw himself from the gallery to the sports center and remained unconscious for a few minutes. A few minutes before, he had suffered an attack of nerves as a result of which he was transferred to the upper corridor where they gave him some drugs. He was taken unconscious from the sports center on a stretcher to the basement where he was killed by pistol shots shortly afterwards.

D. A man who was on the upper gallery of the stadium shouted "down with fascism" and hurled himself to the lower gallery, where he remained unconscious for several minutes. The "black berets" arrived immediately and took him by his feet, dragging him head down, and beating him on the head with rifle-butts and bayonets. The man was already dead before they arrived at the steps leading to the basement, though this did not prevent them from shooting him in the head.

E. In one of the galleries a prisoner shouted: "down with the fascist assassins". The commander personally took hold of the microphone and asked who had shouted. The prisoner got up and announced that it was he, at which the commander ordered him to "come here". The prisoner walked towards the corridors and shortly afterwards one could hear the shots that ended his life.

During all the time we were in the stadium, lists of names were read out calling prisoners for interrogation in the basement. The prisoners descended by the stairs leading to the basement, and after a few moments one could hear the shrieks provoked by torture. Moreover one could hear throughout the stadium the noise caused by the beating in the basement, which contributed to the tension that brought many of the prisoners to a state of hysteria approaching madness. On these occasions, to avoid repression against these prisoners, the others had to hold them down and try to calm them. We can cite the case of a Peruvian doctor who, after sleeping, woke up in the morning shouting: "Colonel, all the prisoners in the center are armed with machine-guns and pistols. I saw them. The colonel must be told". The colonel appeared, but friends of the doctor had already succeeded in calming him and tried to convince the colonel that nothing had happened, and that the doctor was in a state of nervous shock. The colonel was asked to give him a sedative, and this prevented the death of the doctor.

We could state innumerable similar cases. The only thing that remains to be said is that many had to be treated in the infirmary in the basement of the stadium. That made it possible to see clearly what happened there. A "dantesque" place. Naked corpses, with the stomach wrenched open by bayonets, carved up, mutilated by the blows of rifle-butts.

Apart from the basement, some bathrooms of the stadium were used as places of torture, principally when they were dealing with groups of persons who needed to be beaten and killed, and because of the violence with which the soldiers acted one could see blood and flesh on the walls and floor of the bathrooms.

The climate of tension even affected the soldiers, who after some days addressed themselves to the prisoners and tried to calm them, confessing that they too were affected by the tension. This tension reached such a level that, when the commander talked of peace and calm in one of his speeches, he was mechanically applauded by the prisoners, thus creating a surrealistic picture. This applause represented all the protest or impotence of the prisoners faced with terror and violence.

The above account may or may not be true in its entirety—the figure of 6,000 people in the stadium is certainly a gross over-estimate—but it is very consistent with other accounts received. We reproduce so much of this document, because it epitomizes the atmosphere of intense fear and almost illogical brutality with which political prisoners were treated immediately after the coup. It is by no means reassuring that the Chile Stadium, closed down by the beginning of October, was reopened early in November, and still housed over 100 detainees in June 1974.

From the Chile Stadium, prisoners were transferred to the National Stadium of Santiago, which was eventually vacated after the first week of November 1973. In the National Stadium there was at least some degree of protection. Officials of the ICRC and the United Nations High Commission of Refugees (UNHCR), as well as foreign diplomats whose nationals were detained there, were enabled to pay frequent visits. By mid-November, the UNHCR had procured the release and expulsion from Chile of almost all foreigners.

For Chileans, however, there were no such guarantees. Although the authorities gave statistics for the number of detainees, their refusal to give lists of prisoners made many prisoners fear for their lives. It was significant that one Chilean ex-senator detained there handed over a roughly scrawled list to the Amnesty International representatives who visited the stadium on 7 November, urging that these names should be published abroad in order to protect the prisoners' lives. The AI representatives also heard two pronounced bursts of machine-gun fire within the stadium on 7 November, the day on which many of the prisoners were transferred.

In retrospect it appears that the number of simulated executions was far greater than the number of actual executions, and few of the continual bursts of machine-gun fire were directed against prisoners; yet the death of some Chileans in or near the National Stadium has been documented. Moreover, in an interview with a foreign journalist, National Stadium Commander Jorge Espinoza once claimed that approximately 60 people had been killed by left-wing extremists after their release from the stadium. How many of these had died inside?

Immeasurably larger than the Chile Stadium, the National Stadium is a vast football stadium with a capacity for up to 80,000 people. Again, we reproduce a report written by a group of foreigners describing the overall physical conditions in which they were detained. It was given to the AI delegation in Santiago:

The National Stadium is a sporting arena in which the football and athletics stadiums are situated in an ample space of 25 to 30 hectares surrounded by walls of more than two metres in height, with a capacity for 80,000 people; there is also the velodrome (cycle-track) with capacity for over 1,000 spectators.

Prisoners were transported to the stadium from the prisons or police stations in buses. On arrival they were handed over to the soldiers who acted as their guards. After their entry had been registered, prisoners—whatever their state

of health -- were led to the changing-rooms or hatchways which had been transformed into cells. In some cases the prisoners had to remain in the corridors, waiting to be allocated one of the cells when they were full.

The small changing-rooms were 70 square metres in size, including the baths and showers. The useable area, for living and sleeping, was about 45 square metres. In these cells about 90-100 people were massed together (about half a square metre or less for each person). The larger rooms were of about 70 useable square metres, plus the baths and showers in an adjoining room; in these rooms there were between 120 and 160 persons. On some days both the small and large rooms could be more or less full than this, given the persistent transfers. The so-called hatchways, also used as cells, were the corridors which were the entrances to the rows of seats to the north and south of the vast cement building. In each hatchway there were between 120-200 people, who for sleeping purposes had to use parts of the bathrooms and the flights of the adjacent staircases (the hatchways were about 15 metres in length by 3 in width). The door leading to the outside was shot by a large iron grille which permitted the wind and dust to enter. In other words it is a building of which the very interior construction and character could have been made for an immense and organized prison.

During the first week's functioning of the concentration camp, prisoners passed the 24 hours of the day locked in the changing-rooms and hatchways. Each one was given a blanket, and for food he was given a cup of coffee with milk and a small piece of bread in the morning, and a similar ration in the evening. Nothing else. After the first week, the bread ration increased . . . from the tenth day onwards, the prisoner had his ration improved with soup, lentils, peas or beans. One slept on the flagstones, half the blanket below and half above. In the course of time some prisoners succeeded in obtaining a second blanket. The cells are cold and very humid, given the proximity of the showers and the lack of sunlight. From the second week onwards, prisoners were taken to the public platforms, from the hours of 10.00-14.00, and 16.00-19.00. This began when both Chilean and foreign journalists were taken to the stadium in order to "prove" the "good treatment" that the prisoners were given.

Thousands of relatives of prisoners and disappeared persons came every day, up to the grilles of the sporting center that had been transformed into a political prison, seeking news of their relatives or some fact that would confirm their presence in the place, or to bring them food and clothing. Except for exceptional cases, not a single thing or message was conveyed to the prisoners from outside, nor could they say a single word to their relatives. Of the packets -- the distribution of which was under the control of the Chilean Red Cross -- only one out of every two reached their destination; all parcels were carefully inspected, and neither biscuits, chocolate, fruit or cigarettes were handed on to the prisoners.

For all prisoners, the most frightening prospect was that of interrogation. Junta spokesmen have said much about the speed of interrogation, but suitably little about the methods. Between 200 and 300 prisoners were interrogated daily, either on the third floor of the stadium or in the velodrome. On the third floor interrogations took place in a large hall occupied by military prosecutors seated at separate tables, or in small rooms situated behind these tables where more "intensive" interrogations were conducted.

During interrogation, we estimate that about 50% of all prisoners were severely maltreated, usually through prolonged beating of a primitive type, although (as can be seen below), more selective torture techniques were used in specified cases.

In the velodrome, where most interrogations occurred, about 200 prisoners were taken daily under the escort of a heavily armed guard. They were then handed over to one of the interrogation teams (the teams came from each sector of the armed forces, also from the National Police and "the investigative police". It was in this building, some 300 metres from the main part of the stadium that the most systematic beating took place.

Depending on the type of general accusation facing the prisoner he might be treated with comparative leniency, or beaten and kicked for several hours. There are also cited cases of prisoners being tortured with electricity, of having water forced up the nose or mouth, or being confronted with simulated execution. After the interrogation, prisoners were classified as either "conditional liberty", meaning he could expect to be released within a few days; "suspect", meaning he had to await a second interrogation while his charge-sheet and the results of the first interrogation were examined by military intelligence; or "dangerous suspect", meaning he had little hope of release, and could anticipate torture and repeated interrogation.

By mid-October, interrogations became more sophisticated: six Brazilians among others were handed over to Brazilian experts for severe interrogation. Brazilian ex-prisoners have given the following account:

On 16 October 1973 some Brazilian nationals were called for a new interrogation. The majority of them had already received sentence from Chilean military justice that they would be expelled from the country. On being removed from their cells, they were taken to the room before the refectory and immediately made incommunicado, under threat of automatic weapons.

At the other end of the room, some hooded Chileans were groaning. They had already been standing there for eight hours with their legs apart and their heads leaning on the wall to support some of the weight of their bodies. The Brazilians were being called out one by one. On entering the room next to the refectory, they faced an unexpected sight: they immediately recognized Brazilians together with the soldiers from the Chilean army.

The head of the Brazilian team was recognized as Alfredo Poeck, who was known as a torture specialist in Brazil. The Brazilians were interrogated by Chilean soldiers, but the questions asked referred to their political activities in Brazil. The Brazilian police did not speak, but passed written orders to the Chilean soldiers indicating the questions that should be asked. The questions were mingled with threats of execution, beating and torture. They accused the Brazilians of having formed commercial enterprises to finance the Communist Party (though the only enterprise directed by Brazilians is a restaurant constructed with the aid of the World Council of Churches -- for the purpose of using the profits to give material aid to Brazilian refugees).

The interrogations lasted for some painful hours. The Brazilians returned to their cells, and the news ran from mouth to mouth. On the next day they summoned 15 more Brazilians. It became clear that the Brazilian police could do what it wanted.

Several were beaten and tortured by the Brazilian police themselves. The Chilean police stood by, admiring and praising the "Brazilian methods". Within the camp it was decided to denounce this fact. On the next day a doctor from the International Red Cross corroborated the wounds of some. A representative of the Red Cross agreed to launch a protest before the Chilean government and international organizations. The interrogations by the Brazilian police continued for two more days. All the lies invented by the

military about foreign intervention in the Allende government will be unmasked. It is they who have summoned the Brazilian police in order to receive a new type of training — the torture of political prisoners.

When questioned about this by the Amnesty International delegation, prison guards did not deny the presence of Brazilian interrogation experts, but merely asserted that they had not personally participated in the interrogations.

We have described the situation in the National Stadium in detail: first, because there is now much documentary evidence available; second, because it manifests the manner in which the military conducted early arrests and interrogations. People were arrested not because there was evidence for filing charges, but because information might be extracted through violent interrogation. As many prisoners have indicated, the soldiers who beat them often possessed no charge-sheet against them. Owing to the administrative chaos that prevailed, it was impossible to conduct interrogations on a systematic basis. Questions were general, asking about political antecedents, while the same question of "where are the arms?" was asked repeatedly throughout the sessions of beatings.

Sometimes, under heavy threat, prisoners were forced to sign a document in which they admitted to some common crime; yet few attempts were made to gather evidence in such a way that formal charges could be filed. Significantly, when the stadium was finally closed in early November, the majority (over 800) were transferred to Chacabuco without formal charges against them, detained under state of siege legislation. Only a few hundred were committed pending trial to other places of detention in Santiago; even they, apparently, were unaware of the charges against them. No prisoner had access to a lawyer throughout the period of the use of the National Stadium as a detention center.

Of overall prison conditions throughout Chile, there is still very little documentary evidence available to Amnesty International. Apart from the reports of the International Committee of the Red Cross, which are confidential, no independent reports have been made. Foreign observers have usually been refused permission to visit places of detention, with the exception of Dawson Island and Chacabuco, and a few places of detention in Santiago.

In the first weeks after the coup, there can be no doubt that the same appalling conditions as in the National Stadium prevailed throughout Chile. Among other improvised places used for the detention of large numbers of political prisoners were the boats *Lebu*, *Maipu* and *Esmeralda*, and the island of Quiriquina off the coast of Concepción. In these off-shore places, guarantees were effectively nil. Testimonies from two ex-prisoners in the boat *Lebu*, submitted to Amnesty International, have described appalling conditions.

Over 200 prisoners altogether were detained in two small separate rooms on two decks. Of all those interrogated, only about 10% approximately were not maltreated in one form or another. Many had bones or ribs fractured during interrogations, others were allegedly tortured with electricity. Food was minimal, limited to a plate of beans and a cup of milk in the mornings, and perhaps bread and coffee in the afternoon. Prisoners were held below deck and without light in overcrowded conditions, seeing the light of day only when they were summoned

for interrogation.

Further testimonies from ex-prisoners on Quiriquina Island have revealed similar conditions. Over 550 prisoners were forced to sleep on the floor in overcrowded circumstances, in a camp fenced in by barbed wire. There were only five latrines for over 500 prisoners. Similar conditions have been described in the stadium of Concepción, or in Pisagua prison camp in northern Chile. One delegation from the International Women's League for Peace and Freedom was enabled to visit the Women's House of Correction in Santiago. They reported that nutrition for the prisoners was limited to hot water with a piece of bread in the morning, boiled noodles at noon, and hot water in the afternoon. There were approximately 90 detainees in the prison at the time of the visit.

Public prisons in Chile were already overcrowded at the time of the military coup. There is no doubt that the vast influx of political prisoners in both recognized places of detention and improvised detention centers has created conditions which are always unsatisfactory, and often abysmal. Psychological conditions have also aroused grave concern.

Few prisoners have been interrogated in the recognized places of detention, but instead transferred to separate interrogation centers. From Quiriquina, many were taken to the infamous Borgono Fortress near the island, where some prisoners were subjected to torture, and others met their death. Some prisoners never returned to the island after their removal to Borgono.

One day a number of detainees were summoned from Quiriquina for "trial". Their names were Vladimir Arenada, district secretary of the Communist Party in Lota; Isidoro Carrillo, general manager of a coal company; Danilo Gonzalez, Mayor of Lota; Fernando Alvarez Castillo, Governor of the Province of Concepción. Forty-eight hours later prisoners on the island heard that they had been shot. No more need be said to describe the psychological fears caused to the remaining prisoners on the island.

Similar conditions prevailed in the Women's House of Correction in Santiago. Prisoners informed foreign observers that none of them had been tortured within the prison, but all had been interrogated — and the majority tortured — elsewhere. Observers who visited the Chile Stadium in February 1974 discovered that many detainees had been removed to Tejas Verdes or Calle Londres — known to the prisoners as the "house of torture" for interrogation (see section on torture).

In most towns and provinces the junta has used three distinct types of detention center for political prisoners. First, there are the military barracks, where prisoners have been detained incommunicado for prolonged periods, often subjected to severe interrogation and torture in the military premises themselves. It is believed that many "disappeared persons" in Chile may still be detained in such circumstances throughout Chile. Second, there are the larger and recognized places of detention from which political prisoners have frequently been removed for interrogation. In Santiago, this was first the Chile Stadium, later the National Stadium, though large numbers of prisoners were also held in the Public Prison, National Penitentiary and Women's Prison.

In the southern area, it was the football stadium of Concepción and the island

of Quiriquina. In the northern area, the prison camps of Pisagua and Chacabuco are the best known. In addition, the public prisons of all major towns in Chile have been used for the large-scale detention of political prisoners both before and after trial. A third type of detention center—such places as Calle Londres, Tejas Verdes, etc—has been used exclusively for the short-term detention, systematic and severe interrogation and torture, of prisoners who are subsequently held elsewhere.

The much publicized prison camps of Dawson Island and Chacabuco appear to have been used—and, in the case of Chacabuco, is still used—for a different purpose. Both Dawson Island (a remote island in the extreme south of Chile, near the Magellan Straits) and Chacabuco (an abandoned saltpeter mine in desert terrain near Antofagasta in the north of Chile) are over 1,000 kilometres from Santiago. In both these places prominent individuals have been detained, in isolated conditions, without access to lawyers or relatives and without the existence of any formal charge against them. In neither of these places—so far as we know—has any form of torture been used. In both these places physical conditions, except for the extremities of climate, appear to have been comparatively good, so much so that the junta has seen fit to use them as tools of propaganda for both the Chilean and the foreign media.

Dawson Island was used since the first days after the coup as a detention center for prominent Chilean prisoners (mainly the former ministers of the Allende government) until international pressure resulted in their transfer to Santiago in April and May 1974. There were two categories of political prisoners on the island, the so-called VIP ("very important person") prisoners, and a number of local political prisoners from Maghellanes Province.

A delegation of West German members of parliament who visited Dawson Island in January 1974 discovered that there were 43 VIPs and 208 local prisoners altogether on the island. In many ways, observed the delegation, prison conditions were satisfactory. Prisoners had adequate facilities for food, drink and sleep; toilet conditions were satisfactory. The major concern of the VIP prisoners was not so much the physical conditions—harsh though they were—but the complete uncertainty of their juridical situation, and the complete absence of guarantees. No lawyer had visited the island, the prisoners had no idea of the date of their impending trial, or even whether they would be tried by civilian or military justice. Restrictions on correspondence were also very great, being limited to the writing of one letter-page per week, and the reception of one letter per week.

Many prisoners did clearly suffer from the harshness of the climate and conditions, despite the protestations of the junta to the contrary. Three of them soon had to be hospitalized in the military hospital of Punta Arenas, when there were fears for their lives. Others had to be transferred to Santiago in a grave state of ill-health.

Jose Toha (ex-Minister of Interior) died in mysterious circumstances in the military hospital of Santiago, having suffered severe loss of weight as a result of Dawson conditions, and severe interrogations after transfer to Santiago. Julio Palestro, recently transferred from Dawson to Santiago, is now under house-arrest,

allegedly semi-paralyzed. Other prisoners, such as Daniel Vergara, were known to be in a critical condition even before their removal to Dawson Island. Yet, since their transfer from Dawson to Santiago, the treatment of many prisoners has deteriorated markedly.

In April 1974, Foreign Minister Clodomiro Almeyda (see Appendix) "disappeared" for several days before his wife was able to locate him in the Air Force Academy: kept hooded during interrogation, he had been reduced to a severe state of psychological ill-health and had been denied all medical aid.

In Chacabuco, the number of political prisoners has fluctuated sharply. Estimates have been as large as 1,500 and as small as 600 at any one time. While critics of the regime have described the severe and militarized conditions there, pro-junta journalists have used the camp for propaganda purposes, describing an atmosphere of relative freedom, with the detainees having access to radios and newspapers, their own folk music group and theater. In fact, it appears that both accounts are half true, according to letters received from detainees and to the report of an Australian trade union delegation that was permitted to visit Chacabuco. Prisoners do certainly have access to minimal comforts—certainly greater than in the public prisons, but the atmosphere is very much that of a prison camp: hemmed in by barbed wire, with soldiers armed with machine-guns standing guard on the military turrets that surround the camp. Again the major problem is one of uncertainty and isolation, the great distance preventing the visits of relatives and lawyers.

It now appears that the above-mentioned prison camps have been used for the prolonged detention of political prisoners when there were no adequate charges against them, when trials were not envisaged in the near future, and when it was deemed politically inadvisable to detain such persons in Santiago. For the Dawson prisoners the consequences of this are now clear. All the time that the Allende ministers were detained on Dawson, the military was preparing the case for the prosecution against them. Thus can be explained the sudden transfer of some of the prisoners, such as Jose Toha and the impromptu interrogations of others, such as Clodomiro Almeyda. The inability of lawyers to have any access to their clients for so long will make their task doubly difficult, when the "Dawson Trials" finally commence.

In Chacabuco the situation may be more complex, but is essentially the same. As will be remembered, the prisoners transferred from the National Stadium to Chacabuco in November 1973 were those against whom no formal charges had been preferred. The Interior Minister, Oscar Bonilla, then informed the Amnesty International delegation that, whereas 550 of the political prisoners originally detained in Santiago would be tried by the military tribunals, approximately 1,000 would not be tried and would remain in preventive detention for as long as the state of siege lasted.

Yet it is by no means certain that those in Chacabuco will not be brought to trial (or, in the case of some, have not already been tried). A number of prisoners have already been brought back to Santiago since their original transfer to Chacabuco. Again it appears that the very distance of Chacabuco, cutting off all possi-

bility for adequate legal protection, gives military intelligence *carte blanche* to study the prisoners' dossiers at random: to release some, to bring others to trial whensoever they wish, and to keep the remainder in preventive detention. By detaining so many individuals (ranging from university professors, doctors, lawyers, journalists and trade union leaders to comparatively unknown students and workers) in the deserted north of Chile, an embarrassing "eyesore" has been removed from the city of Santiago.

Three: EXECUTIONS, DEATHS, DISAPPEARANCES

A vast but unknown number of people — estimates range from 5,000 to over 30,000 — have lost their lives in Chile since the military coup. Though official executions are no longer announced, disappearances continue. It is feared that the lives of many persons are still in grave danger. Deaths have occurred in several different ways. Many people were killed on the open streets at the time of the coup. More than 2,000 people are now known to have been executed in custody between 11 September and the end of December 1973.

During the first month after the coup, people were summarily executed, after courts martial convened on the spot by local military commanders. Subsequently many others have been executed pursuant to the judgement of the courts martial, after trials in which the junta alleges that persons had full rights to legal defence. People have been shot under the notorious "Law of Escape", press reports indicating that political prisoners were "shot while trying to escape". Many others have died as a consequence of torture received during interrogation. Official statements of the junta, while acknowledging that a number of people died during the coup and a further number were subsequently executed, originally claimed that the total number of deaths was not far in excess of 1,000.

Problems of Statistics

No truly credible statistics have been produced by any organization, concerning the total number of deaths. It is unlikely that accurate figures will ever be produced. On 4 October, the Institute of Medical Law gave the official statistics for the number of dead as 476, of which 462 were civilians and 14 were soldiers or policemen. By the end of March 1974 the official figure for the number of dead had risen to approximately 3,500. On 24 October 1973, the day on which the military junta ordered an end to summary executions, a total of 81 executions had been reported by official sources since the day of the coup.

Independent reporters have always indicated that the true number of dead was far in excess of official figures. The correspondent in Santiago of the American magazine, *Newsweek*, John Barnes, reported in early October 1973 that his own careful investigations had revealed a total of 2,796 corpses processed in the Santiago morgue in the first two weeks after 11 September. An unofficial report of the US State Department in March 1974 indicated that the total number of dead was in the region of 10,800, by the end of December 1973.

The Chicago Commission of Inquiry, after its visit to Chile in February 1974,

asserted that 410 prisoners had been listed as "shot while trying to escape" in 42 separate newspaper reports up to 12 December, 1973. According to the commission's report, the "Law of Escape" had last been officially reported on 31 December, when five prisoners were reported as "shot while trying to escape" from Puerto Monte. The commission also reported that the bodies of five ex-prisoners had been found in the Pilmaiquen river on 8 January 1974.

Again, scattered statistics are given only to illustrate the problems involved in accurate reporting. As long as the junta refrains from giving information concerning the fate of disappeared persons, all estimates of the number of those who have died in one form or another must remain hypothesis.

Official Executions

Until 24 October 1973 military commanders were authorized to execute summarily all those who were caught *flagrante delicto* bearing arms against the new government. Until that date, newspaper reports indicated that extremists were executed after attacking military patrols. Opposition sources claim that the majority of those killed during this period had put up no form of armed resistance. Jorge Vásquez Matamala, Governor of the Department of Elquí in the Province of Coquimbo, was allegedly arrested and shot in his house, accused of "resisting arrest". Ricardo Lagos, Mayor of Chillán, was allegedly shot in his home together with his wife in similar circumstances. Colonel Renato Cantuarias, director of the military school of Alta Montaña in Santiago, was allegedly shot dead on 11 September for refusing to give orders to open fire on a group of miners in the Minería Andina. These are but three of many similar allegations received by Amnesty International during that period.

After 24 October executions were said to be pursuant to trial by the military tribunals. In effect, this measure by no means increased the prisoners' guarantees. As subsequent reports have indicated, prisoners had no real opportunity to nominate legal defence of their own choice. Defence lawyers were often officially appointed military personnel. Several brief reports appeared in the Chilean press, curtly reporting that prisoners had been executed after trial in which they had "full rights to legal defence". No indication was ever given of the name of the defence lawyer or of the manner in which he had been able to conduct the defence.

One particular series of "official" executions before 24 October has now been widely publicized abroad. This followed a visit to the north of Chile, in the third week of October, by a group of military officials who demanded the death sentence for a group of prisoners, some of whom had already been sentenced to minor terms of imprisonment.

At this time an estimated 68 prisoners were suddenly executed in five separate towns of northern Chile. It has been suggested that this "special military commission", headed by General Sergio Arellano Stark, undertook this trip with the specific intention of increasing the severity of sentences in northern Chile, where they had previously been far milder than elsewhere.

In La Serena, 15 prisoners were summarily executed after arbitrary retrial, even though some had already been sentenced. Among those killed were: Carlos

Alcagaya (previously sentenced to 20 years), Roberto Guzmán Santa Cruz (sentenced to 5 years' imprisonment) and Hipólito Cortés Álvarez (previously sentenced to 5 years' imprisonment).

In Copiapó, the following prisoners were reported killed under the "Law of Escape", after the arrival of Arellano Stark: Alonso Gamboa, Wilton Cabello Bravo, Leonel Vichenti, Fernando Carvajal, Agapito Carvajal, Manuel Cortazar, Raúl del C. Guardia, Leopoldo Arravidis, Ricardo Mansilla, Pedro Pérez Flores, Jaime Ivan Sierra, Atilio Ugarte Gutierrez and Adolfo Balleras. The dead included a director of a regional radio station, the former head of a national planning institute, and a professor of the University of Atacama.

In Calama 26 prisoners were killed, allegedly under the "Law of Escape" including: Carlos Berger, journalist, David Miranda, deputy director of industrial relations of the Chuquicamata mine and Harold Cabrera, deputy director of Chuquicamata Finances. Political prisoners also met with sudden death in the towns of Arica, Iquique and Antofagasta.

During this early period there were few reports of official executions after trial. In many cases there can be no doubt that the military put pressure on prosecutors to increase the severity of the sentences. There was one clear example of this in the town of Concepcion, in mid-October. On 19 October *El Mercurio* reported that a sentence of 5 years had been demanded for a group of prisoners; on 22 October *El Mercurio* announced that 15 years' imprisonment had been demanded for the same group; on 23 October *El Mercurio* reported that the death sentence had been demanded for the same group, all of them having been executed the previous day. The dead were announced as Danilo Gonzalez, 30 year-old ex-mayor, Vladimir Araneda, 30-year-old teacher, Isidoro Carrillo, 43-year-old miner and Bernabé Cabrera.

Since February 1974 there have been no reports of executions carried out after the sentence of the courts martial. Death sentences have continued to be passed. In the southern town of Valdivia, two leading members of the Socialist Party, Uldaricio Figueroa and Victor Hormazabal, were sentenced to death after court martial in May 1974, the sentences later being commuted to life imprisonment. In the town of San Fernando, five members of the Socialist Party—Hector Fuentes Araos, Jose Balaguer Jara, Humberto Vargas Vargas, Miguel López Gonzalez and Nelson Gonzalez Poblete—were sentenced to death after court martial in April 1974. After widespread international protest and a last-minute appeal by the Bishop of San Fernando, the sentences were also commuted to life imprisonment. The military prosecutor also demanded the death sentence for six members of the Chilean Air Force recently court martialled in Santiago. In recent weeks, the junta has given unofficial assurances to international organizations that no more death sentences will be carried out.

Unofficial Executions

Most executions have been unofficial, without even the semblance of legality provided by the October "trials" in Northern Chile. In such instances no evidence and no records can be provided. In some instances the pretext of the "Law of

Escape" has been given. In most cases bodies were retrieved on the streets of Santiago and elsewhere, in rivers or on waste land. It has often been alleged that prisoners were removed from the National Stadium or Chile Stadium, and summarily executed. The body of Litre Quiroga, former Director of Prisons, was removed from the streets of Santiago after he had been detained in the Chile Stadium. The body of a US citizen, Frank Teruggi, was delivered to the Santiago morgue by a military patrol, shortly after the authorities had said he was released from the National Stadium. An article in the *Washington Post* on 14 October 1973 reported:

Colonel Jorge Espinoza, commander of the improvised camp at the Santiago soccer stadium said that more than 50 persons released for lack of evidence against them have disappeared or turned up dead before reaching home.

Several months later, such atrocities were less, but the bodies of "disappeared" persons continued to be found. Shortly before Christmas there were multiple arrests in the shanty towns of Santiago. In the shanty towns of La Legua, many disappeared. Three people were arrested on 20 December, it being announced shortly afterwards that they had died during a clash with the military: their bodies revealed traces of severe maltreatment. At the time of writing this report Amnesty International can neither document nor assess the number of such cases.

Disappearances

A number of persons have disappeared without trace since the day of the coup. Their death — and sometimes even their arrest — has never been acknowledged by the junta. Among the best known cases is that of Jaime Barrios, economic adviser to President Allende, who was in the Moneda Palace at the time of the coup. Eye-witnesses claim that he was last seen at 5 am on 11 September, being led away from the Moneda by a military patrol. The economist Claudio Jimeno disappeared from the same place at the same time. Tulio Roberto Cardoso Quintiliano, a Brazilian, and Alberto Mariano Fontela Alonso, a Uruguayan, were last seen alive in the Tacna Regiment of Santiago within a few days of the coup. Quintiliano's mother spent 50 fruitless days in Santiago, trying to find news of her son or some confirmation that he had been killed.

How many lesser known Chileans are in similar circumstances? Many Chileans are reportedly reluctant even to inquire about the fate of disappeared relatives, for fear of harassment or arrest to themselves. On 29 March 1974 a group of Church leaders, in an attempt to assuage the fears of hundreds of Chileans, issued a writ of *habeas corpus* on behalf of 131 persons — mainly poor urban workers and peasant farmers — who had disappeared since the time of the military coup. All 131 were from the Santiago area, more than a third of them detained since the beginning of 1974. The writ gave details concerning the name and occupation of the prisoner and the last known date of arrest. Many of the disappeared persons were still minors (three aged 14 years, one aged 15 years and four aged 16 years). In at least one case, military authorities had claimed that the prisoner had been released, even though he had disappeared without trace. Sergio Eduardo Cavieres Cienfuegos, an employee of the University of Chile, had been arrested at the

university on 7 January 1974 by military intelligence. His friends, after seeking him in various prisons, finally appealed to General Arellano Stark, Commander of the Santiago Zone. Arellano Stark announced that Eduardo Cavieres had been interrogated and subsequently released on 11 January. His family had received no news of him since that date.

There is increasing evidence that many "disappeared" persons may still be alive, detained incommunicado for prolonged periods in military barracks. Two prominent left-wing political leaders, Bautista Van Schouwen of MIR and Gustavo Ruz of the Socialist Party, had disappeared without trace for months, until their own relatives had assumed they were dead. Thirty-one year old Van Schouwen, a medical doctor by profession who had been regional secretary of MIR in Concepción, was seen being arrested in a Roman Catholic Church in Santiago on 14 December 1973, although the junta never acknowledged his arrest. He was taken into the custody of military intelligence and allegedly subjected to severe torture.

There was no further news of him until February 1974 when he was seen — in a critical condition — in the military hospital of Santiago. The first news of his possible arrest appeared in the Chilean press in February 1974, after his lawyer issued a writ of *habeas corpus*. For months after this Van Schouwen again disappeared, and it was widely feared that he was dead. When a group of sympathizers undertook a prolonged hunger strike in Germany to establish his situation, the Chilean press attache in Bonn eventually revealed that Van Schouwen had been detained since December, and was currently awaiting trial in a military prison in Santiago.

Twenty-five year old Gustavo Ruz Zanartu, secretary general of the Socialist Youth Movement and President of the Pedagogic Institute of the Technical University, was arrested by a military patrol on 15 March 1974. His arrest was witnessed by friends, at an address in Calle Agustinas in Santiago. His relatives and lawyers tried in vain to establish his whereabouts. A writ of *habeas corpus* issued by his lawyer met with no response. The junta denied that Ruz had been arrested. At the end of June an ex-prisoner informed relatives that Ruz had been seen at the Colina Air Base in Santiago, in a critical physical condition as a result of severe torture. The junta has still not acknowledged the arrest of Gustavo Ruz.

* * *

Ten months after the military coup, the days of mass killings and executions appear to be over. Yet the deaths of political prisoners have still occurred with sufficient frequency to cause grave anxiety to all detainees, friends and relatives. Government ministers and high-ranking military can be named amongst those who have recently lost their lives. On 8 March 1974 General Alberto Bachelet, the Air Force general who had been detained since September 1973 and who was due to be tried with other FACH officers, was reported to have died in detention, allegedly from heart-failure. It is widely believed that Bachelet died indirectly as a result of torture previously received during interrogation.

On 15 March 1974 it was announced officially that former Interior and Defence Minister José Tohá had committed suicide in the military hospital of Santiago. After losing much weight on Dawson Island Tohá had been transferred to the

Military Hospital on 1 February. Between 15-28 February Tohá had been removed from the military hospital to the Air Force Academy for further interrogation, despite his critical state of health. When the Cardinal of Santiago celebrated a public mass for Tohá shortly after his death, this appeared to be a tacit denial of the official version of suicide.

What guarantees can there be for lesser known individuals? Some deaths may have been accidental, others are certainly intentional. While the military intelligence services continue their random arrests, interrogations and assaults on private citizens, there can be no real guarantees for the protection of human life in Chile.

Four: CHILE AND THE RULE OF LAW

During the past few months, the legal procedures that have been used in the trials of political prisoners in Chile have been severely criticized by international observers. In April 1974 the International Commission of Jurists asserted that "present judicial procedures and safeguards do not meet the minimum standards which Chile is bound to observe under Article 3 of the Geneva Conventions, 1949". Other legal observers have recently made equally strong criticisms.

It is not only trial procedures which have been criticized. Since the declaration of the "state of siege" as applied in time of war, in September 1973, civil courts and lawyers have been virtually powerless in Chile, while citizens and lawyers alike have been deprived of the most fundamental legal rights. Citizens have been arrested without charges and without recourse to a lawyer; lawyers have been unable to demand access to prisoners, or even to know the charges against them until shortly before the commencement of a trial. The majority of trials have been held in secret, with the defence lawyer often excluded from the court martial proceedings. All trials have been conducted by military courts, in accordance with the Code of Military Justice in Time of War. It is mainly the drastic restrictions imposed by this military code on the rights of political prisoners and their lawyers which have been so bitterly criticized by foreign observers. Moreover, there is now ample evidence that the military junta has failed to fulfil many of the legal guarantees that have been published in the Chilean press or made to foreign observers.

In this chapter we describe, first, the successive statements of junta officials with regard to provisions for the protection of human rights under state of siege legislation, including right to trial, right to an adequate legal defence, and their general intentions with regard to the trial and detention of political prisoners. Second, we record the comments and actions of Chilean lawyers, including the General Council of the Bar Association. Third, we analyze the current situation. Fourth, we describe the one major trial to date to which foreign observers have been permitted, and the implications of this for the forthcoming trial of the Allende ministers. Lastly, we describe the dismissal and detention of members of the legal profession itself within Chile, and the severe restrictions which have been placed on Chilean lawyers who have attempted to give an adequate legal defence to political prisoners.

The Junta and the Rule of Law

For many weeks after the coup it was uncertain how the junta intended to deal

with over 20,000 political prisoners. Early in October General Oscar Bonilla, Minister of Interior, announced that, whereas some thousands of prisoners were being released after interrogation, approximately 5,200 would have to stand trial by court martial, all of them with the full right to legal defence. During the United Nations General Assembly the Chilean newspaper, *El Mercurio*, reported that the Foreign Minister, Admiral Huerta, had announced at the UN that: "political prisoners will be freed or given a public trial, while all prisoners will have the right to a legal defence and appeal against the sentence of the court".

On 23 October General Bonilla delivered a television speech to the nation, spelling out the rights of Chilean citizens. In this speech he gave assurances that people were only being prosecuted if there were concrete charges against them examined by "lawyers and specialists at least twice". Those who had been detained for offences allegedly committed before the coup were usually being charged with crimes including "large-scale dealings in weapons, the organization of guerrilla movements and para-military activities". Those actually tried by the courts would enjoy every facility to defend themselves.

The major concern of lawyers, however, was the legislation under which Chileans were being detained and tried. Immediately after the coup, one of the first decree laws of the junta had declared a state of siege. Yet Decree Law No 1 of 11 September, had stated that "the junta, in the exercise of its mission, will guarantee the complete efficacy of the attributes of judicial power and will respect the Constitution and the laws of the Republic, in so far as the present situation of the country permits".

Article 1 of Decree Law 128 declared that "the judicial power will exercise its functions in the form, and with the independence and facilities, that are granted by the Constitution". The only apparent restriction on the activities of the established legislative bodies was Decree Law 128, which dissolved the National Congress. According to the Constitution, only Congress was entitled to declare a state of siege, and this for a maximum of six months. By dissolving Congress, the members of the junta usurped this power for themselves.

The state of siege in itself had been used to justify indefinite detention without charge or trial. As the junta and its sympathizers pointed out to foreign observers, Article 72.17 of the Chilean Constitution of 1925 states explicitly that "through the declaration of a state of siege, there is conceded to the President of the Republic alone the authority to transfer persons from one department to another and to confine them in places other than jails, or intended for the confinement or imprisonment of ordinary criminals". As the Minister of Justice and the Bar Association pointed out to the Amnesty International delegation, there had been a precedent for this use of the state of siege during the government of President Gonzalo Videla in 1948, when a number of communists had been detained in the detention center of Pisagua for a long period without trial.

Yet, in addition to the emergency provisions of this state of siege, the junta later declared that this state of siege should be interpreted as *in time of war*. Article 1 of Decree Law No 5 of 22 September 1973 reads:

The junta declares, interpreting Article 418 of the Code of Military Justice,

that the State of Siege which has been decreed because of the internal disorder that exists in the present circumstances of the country, should be understood as a *state or time of war* for the effects of the application of this procedure established by the Code of Military Justice and of these same penal laws, and as a general rule for all the effects of this legislation.

The above-mentioned decree law makes reference to Article 418 of the Code of Military Justice (CJM), which states that:

For the effects of this Code, a state of war or time of war should be understood, not only when war or a state of siege have been officially declared, in conformity with the respective laws, but when war *de facto* exists or when there has been mobilization towards this end, even if no official declaration has taken place.

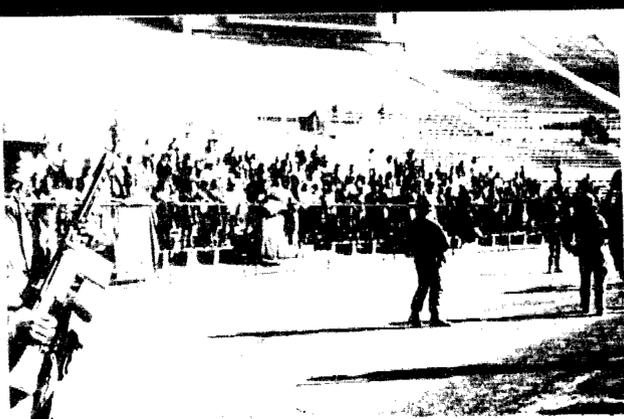
Article 419 of the CJM, expanding further on this, states that the mere declaration of a state of siege is not sufficient for the creation of a "state of war", but that:

an enemy is needed or, in the case of internal disorder, any kind of seditious or rebellious forces that have been organized in a military fashion.

The serious effects of the declaration of this "state of war" will be discussed in detail later on. Here, suffice it to say that it has drastically reduced the rights of individuals and their lawyers, has also allowed for penalties far greater than could be imposed by the ordinary penal code in time of peace. In "time of war", the defence lawyer may be given 48 hours or even less to prepare the defence of his prisoner; he may be excluded from the trial proceedings; and there is no appeal against the sentence passed by military courts.

The clearest public statement regarding the rights of prisoners detained during "time of war" was made by the Minister of Justice, Gonzalo Prieto Gandara, in a letter to the Bar Association that was published in *El Mercurio* on 29 October 1973. The president of the Bar Association had sent several specific requests to the Minister of Justice, to improve facilities for defence lawyers. He requested, among other things, that facilities should be granted to defence lawyers whenever there was legal entitlement to it, in so far as this "did not interfere with the military mission"; that a prisoner should be informed of the lawyer who was willing to defend him, as soon as the lawyer himself had given this information to the prison commander; that lawyers should be given the maximum possible facilities to study the trial dossier and maximum possible facilities to make a serious defence; that trials should be conducted in accordance with the penal legislation that existed before 11 September 1973, and that the procedures and penalties of the "state of war" should be applied only to offences committed after that date; that measures should be taken to ensure that the period of detention was as brief as possible, and that the greatest possible number of qualified people should be made available to conduct prior interrogations; that the presidents of the regional councils of the Bar Association, or members of these provincial councils, should be authorized to visit prison camps, and request information from the competent authorities about the situation of prisoners.

It should be noted that the requests made here were very limited, and were made at a time when thousands of prisoners were detained incommunicado throughout the country — at a time when no lawyer had been able to gain access



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above left: National Stadium of Santiago after the coup; *above middle:* detained supporters of the Allende Government. (photo by Koen Wessing); *above right:* prisoners in the National Stadium.

left: soldiers guard the Moneda Palace after the bombing; *right:* soldiers recover the body of coup victim.

below left: Allende ministers, officials and supporters detained on Dawson Island. Third from left in front row is former Foreign Minister Clodomiro Almeyda and eighth from left is ex-Interior and ex-Defence Minister José Tohá; *below middle:* Allende's Minister of Mines, Sergio Bitar (left) and Minister of Education Jorge Tapia (right), being escorted into the Military Academy of Santiago after their arrest on 11 September 1973; *below right:* political prisoners in tent on Dawson Island.



to the vast number of prisoners still detained in the National Stadium of Santiago and elsewhere. The reply of the Minister of Justice to this petition is highly significant, and several points of the reply are quoted in full below. They are as follows:

1. All facilities will be granted for lawyers willing to undertake the defence of prisoners to do this without difficulty, in so far as these said facilities do not interfere with normal military procedures. I should point out that it has been of great interest for the government to have lists of lawyers available to defend prisoners; and for this reason the Bar Association has been requested to provide such lists to the military authorities and to authorities of the Ministry of Interior in all the provinces of the country. At the opportune moment the prisoners, if they so wish, can make a free choice of some of the lawyers mentioned in these lists for their defence.

2. Defence lawyers will have no difficulty in obtaining the dossier to the trials during the stage when the trials are being prepared, so that they can carry out their task in the most proper manner, with sufficient time to prepare the defence in a responsible and serious manner.

3. With regard to the possibility of detaining prisoners for the minimum possible period, I can assure you that this has happened in the majority of cases, within the necessary limitations of a country in state of siege and internal war, and the magnitude of the task carried out by the armed forces in their attempt to restore calm to citizens threatened by extremists. For example only 1,500 prisoners approximately remain in the National Stadium, while over 5,000 have been released. Moreover it is important to bear in mind that, in accordance with the provisions granted to the Government by the law of state of siege, people who are suspected of threatening the public order can be detained indefinitely.

I can assure you at the same time that all people detained have been subjected to interrogation by experienced and suitable persons, which has permitted the rapid release of many suspects. As regards those held in other places of detention, a large number are now being handed over to the Military Tribunals in Time of War for definitive trial. Obviously there are some cases in which the delay will be greater, given the need to study larger trial dossiers concerning the various offences, and which are demanded for a serious and well-founded accusation. Such is the case of the prisoners on Dawson Island.

4. It is important to clarify matters about the penalty applicable to prisoners detained in various parts of the country. You can rest assured that there has never been any intention to violate the fundamental principles of Penal Law and Penal Procedure relating to the non-retroactive nature of penal legislation and penalties. All offences committed before the declaration of internal war will be tried and studied by Ordinary Justice Tribunals, in accordance with customary procedure, and all offences committed during the existence of the State of Internal War will be subject to the jurisdiction of Military Tribunals in Time of War, except of course for those common crimes which will continue to be the concern of the Ordinary Tribunals. The aforementioned is true, however serious the nature of the offence, and the importance of the person concerned. This corroborates the aim and purpose of the Government to restore the juridical normalcy which was transgressed by the Marxist Popular Unity Government.

5. There is no inconvenience in authorizing the National President and Provincial Presidents of the Bar Association, or anyone else they should authorize, to carry out visits of inspection to the detention camps, in order to assure themselves on the spot of the regularity of their treatment, and the

normality of the established penal procedures. This last clause, though, does not affect the separate procedures of the secrecy of the indictments.

6. Finally, I am pleased to inform you that all possible measures will be taken to establish, in the most efficient manner possible, an information service about prisoners for their immediate relatives.

At first sight, the guarantees given by the Minister of Justice appear to be reasonable. Nevertheless, it is clear that guarantees are honoured only if they do "not interfere with normal military procedures". In fact (as will be seen throughout this report) none of these guarantees have been observed. Lawyers have *not* been granted facilities to undertake the defence of prisoners without difficulty, but have consistently been harassed, and have frequently been prevented from consulting their client. Lawyers have *not* been able to obtain the dossiers to the trials in order to "prepare the defence in a responsible and serious manner", but have sometimes been given a period of only *three* hours in which to prepare the defence. There is even one case known to Amnesty International of a lawyer who first read in the Chilean press that his client had been sentenced by a military tribunal.

Prisoners have *not* been detained for the minimum period possible (in July 1974 there are an estimated 7,000 political prisoners still in detention, a small minority of whom have been brought to trial). It will be seen below that the principle of the non-retroactive nature of penal legislation *has* been severely violated in almost all cases.

The fundamental point, however, is that the Minister of Justice has virtually no power in Chile, for as long as the state of siege lasts. As the Minister of Justice informed the Amnesty International delegation in November 1973, he had no control over any of the prisons or prisoners under the jurisdiction of the Ministries of Defence and the Interior, although, as later became clear, approximately 90% of all prisons and prisoners were under the control of these two ministries. In effect it was only after prisoners had been tried and sentenced by military tribunals i.e. when there was nothing further that a lawyer could do on their behalf) that prisoners were handed over to the control of the Ministry of Justice.

By the end of 1973, the decision of the junta to "militarize" all aspects of justice became clear. Although the junta had earlier stated (Decree Law No. 1 of 11 September 1973) that it would "respect the Constitution and the laws of the Republic", Decree Law No. 128 of 12 November 1973 stated explicitly that "the Military Junta has assumed control of the constitutional, legislative and executive powers since 11 September 1973". Shortly afterwards, the Ministers of the Supreme Court declared that the Supreme Court itself would "lack jurisdiction and competence" over all military tribunals for as long as the "state of siege in time of war" lasted.

This resolution was made after a defence lawyer had interceded with a plea for *habeas corpus* on behalf of a political prisoner who had been condemned to life imprisonment by a military tribunal in Valparaiso for an alleged espionage offence. The lawyer appealed to the Supreme Court against the decision of the military prosecutors, claiming that the highest sentence applicable for such an offence under the existing penal code was only 5 years' imprisonment. The

lawyer claimed that the case should be annulled, and the defendant either released or sentenced to a maximum of 5 years' imprisonment. The sequel to this plea is alarming. As the Chilean newspaper *La Tercera* reported on 14 November 1973:

Before passing sentence, the Ministers of the Supreme Court requested a report from their attorney, Sr Urbano Marin. This jurist, after a detailed study, concluded that Chile is at present under a State of Siege in Time of War, and therefore the Military Tribunals in Time of Peace *do not function*. In these conditions this high tribunal (i.e. the Supreme Court) lacks jurisdiction and competence over the Military Tribunals in Time of War, as happens in the present case. The Attorney points to articles 71ff of the Code of Military Justice which clearly establish that, "from the moment in which a general in command of the army is appointed to take action against a foreign enemy or organized rebel, there *shall cease* the competence of the Military Tribunals in Time of Peace, and there shall commence the competence of the Military Tribunals in Time of War in all the areas declared under State of Siege. This commander shall have the jurisdiction to punish personally, and without form of trial, all abuses which in his opinion do not constitute a criminal offence; to decree the trial by prosecutors of all individuals he considers guilty of a criminal offence; to order the formation of courts martial to try them; to approve, revoke or modify the sentences passed by the courts martial, and to ensure that each sentence is carried out.

By passing this decree, the Ministers of the Supreme Court have abdicated all legal responsibility, and have paved the way for unrestricted rule by military justice. The consequences are drastic. No political prisoners have been tried by civil courts. Even though the penal *legislation* should presumably be that applicable before the declaration of the "state of war", the penal *procedures* are necessarily those applicable in "time of war". The decision of the junta to process all political prisoners by military tribunal is in itself a direct contravention of the guarantees given by Chilean officials to the UN, and by the open letter of the Minister of Justice on 29 October 1973.

In January 1973 a further decree law (No. 228) was passed by the military junta. It states:

Article 1. The powers which are conferred by Article 72.17 of the Constitution on the President of the Republic i.e. to detain by virtue of the State of Siege) will be exercised by the Junta through Supreme Decrees which will be signed by the Minister of Interior with the formula "by order of the Junta".

Article 2. The measures adopted by the administrative authorities in the exercise of the provisions of Article 72.17 of the Constitution, before the passing of the Decree Law, are declared legal.

This decree law has been described by a prominent Chilean jurist as the "most immoral in our legal history" on the grounds that it legalizes arbitrary arrests and gave retroactive legality to all arbitrary arrests that had been carried out by the armed forces since the military coup.

The Role of Chilean Lawyers

The task of Chilean lawyers who have attempted to defend political prisoners has been made exceedingly difficult by the negative attitude of the Supreme Court and the General Council of the Bar Association. The President of the Supreme

Court, Dr Enrique Urrutia Manzano, was particularly hostile to the Allende Government, and has consistently expressed his desire to cooperate with the military junta in its task of "national reconstruction". Speaking to the AI delegation, he questioned neither the legitimacy of an extended state of war, nor the fact that prisoners had inadequate guarantees for defence. The council of the Bar Association, likewise, had frequently attacked the Allende Government. In the "White Book" one of the documents is an open letter from the Bar Association criticizing restrictions on the right to strike, restrictions on the freedom of the press, threats to lawyers during the exercise of their profession, even the torture of political dissidents. And yet, despite these complaints, the record of the Allende Government is comparatively good in this field.

The Bar Association, which was so vociferous in criticizing the Allende Government, has never publicly condemned the violations of human rights under the junta. Rather, leading members of the association travelled to Europe and elsewhere to defend the coup and the policies of the new regime. In a public letter to Amnesty International (published in *El Mercurio* on 7 February 1974) the President of the Bar Association asserted:

The Bar Association of Chile shares the deepest conviction that the historic events which occurred on 11 September 1973 reflected the hopes of the immense majority of Chilean citizens, who wanted to free themselves from an oppressive regime. Thus the armed forces sincerely believed that they were responding to this wish and took it upon themselves, institutionally, without any spirit of heroism, to restore law and order in our country.

The letter goes on to assert that the right to rebellion is legitimate when "whoever is in power promotes lawlessness and crime, as the deposed government did in this case".

The letter reflects the general policy of the Association, which is to support the junta whenever possible, and to negotiate for adequate rights for legal defence rather than openly criticize. In private correspondence with military officials (some copies of which have reached Amnesty International) the Bar Association expressed its continuing concern at the lack of juridical protection, particularly the inadequate time span for preparing a legal defence, and the violation of the principle of the non-retroactivity of penal legislation.

The Bar Association has been subjected to constant pressure from some of its own members. At the beginning of November 1973 a group of concerned lawyers approached the association, urging its leaders not to "limit itself to a verbal declaration without translating it into the genuine and effective defence of human life". This group, after describing the death of some lawyers and the arrest of others for exercising their profession, and also the assassination of Chilean citizens through the "Law of Escape" urged the General Council of the Bar Association to make several specific requests, namely: to demand guarantees for lawyers in the exercise of their profession, especially in the defence of prisoners; to demand guarantees that the life of all prisoners be respected, particularly during the transfer of prisoners from one place of detention to another; to demand that all trials be public, before competent tribunals, permitting the regular access of all lawyers to their prisoners; to demand that detainees no longer be held incom-

municado: and to ensure that commissions of the Bar Association (made up of lawyers, doctors and social assistants) were in fact designated to visit all places of detention. Finally, these lawyers demanded that the Bar Association should request the junta to put an immediate end to the state of war, thus guaranteeing that all those prosecuted "be tried according to the legislation that was applicable during peace time, respecting the principle that the non-retroactive character of the Penal Code be respected as well as the guarantees pertaining to legal procedures under the present legislation".

The AI delegation met with the entire General Council of the Bar Association. It found that the council believed that the "state of siege" and "state of war" were necessary at the present time, despite the severe restrictions that were thus placed on the right to defence. Moreover, the council appeared totally unconcerned by the fact that not even lists of political prisoners were available. They felt that the duty of lawyers commenced only when charges had been filed, and that the Bar Association had no reason to intervene on behalf of the thousands who had been arbitrarily arrested, allegedly under state of siege legislation. It takes little insight to see that a more positive approach by the Bar Association at this time could have done much to protect the hundreds who were tortured or lost their lives in military barracks and other places of interrogation.

In October 1973, the one organization that did try to intercede on behalf of all political prisoners was the Committee of Cooperation for Peace, a committee set up under the auspices of several Chilean churches, led by Bishop Fernando Ariztia (Roman Catholic), Bishop Helmut Frenz (Protestant), Father Fernando Salas SJ and Grand Rabbi Angel Kreiman. The major problem faced by the committee since its inception is that it has found it almost impossible to discover the names of prisoners, let alone the location of prisons, the charges against them, or the date and place of impending trials. In addition to the central office in Santiago, the committee soon established regional branches in 13 separate Chilean provinces. Two separate departments were established within the committee: a penal department to arrange for legal defence for prisoners and their families who could otherwise not afford lawyers, and a labour department to assist the thousands of workers who had been dismissed from their jobs for political reasons.

International observers returning from Chile reported that by the end of March 1974, the penal department had attended a total of 3,089 cases, of which 1,152 were arrested without charge; 676 were being committed for trial by the military tribunals; 96 had been sentenced by the military tribunals; 486 had been freed; 547 had "disappeared" after arrest; and 132 had died after detention. By June 1974 the committee had apparently over 90 paid staff throughout Chile and was paying lawyers a fixed sum for every political prisoner whose case they had taken up. In addition, the committee had issued a writ of *habeas corpus* on behalf of 131 Chileans (mainly peasant farmers and poor urban workers) who had disappeared since their last known date of detention.

It is possible to discern three stages in the degree of legal protection available since September 1973. In the first stage until the end of October 1973, there was

a "total lack of legal defence". An unknown number of prisoners were executed after summary courts martial, without access to any lawyer.

In the second stage (1 November-31 December 1973), there had been "great difficulties for legal defence". The apparatus of Military Justice in Time of War had been more systematically organized, and general instructions had been given by the junta to military prosecutors and auditors. Trials by military tribunals became more regular, though only some 20% of all political detainees had even been committed for trial by the end of this stage, while only an eighth (approximately) of the proceedings commenced had been terminated by the end of December.

Lawyers experienced immense difficulties in trying to prepare a serious defence. Access to the prisoner himself was almost impossible: preparation of the defence had to be limited to a period of 48 hours or even less. In practice, lawyers could neither present their own evidence, nor question the evidence that had been compiled by the military prosecutor. Lawyers had no chance to question or criticize the competence of the military tribunals. Provisional liberty was not granted. The cases presented by the prosecutor had almost invariably been the basis for the sentences passed, and basic juridical principles had consistently been ignored by the tribunals. For the most part, sentences had been exaggeratedly high, and out of all proportion to the alleged offences. Moreover, the prosecutors had tended to base their cases exclusively on declarations obtained from the prisoners by the Chilean intelligence services, and on documents prepared by the intelligence services.

In the third stage (1 January-11 March 1974), there were few overall changes. The military tribunals began to act more efficiently and rapidly, and by the end of this stage some 20% of the indicted prisoners had been sentenced. For the first time the Supreme Court accepted two petitions for protection of human rights, and there were some indications that the ordinary justice tribunals were disposed to intervene more actively on behalf of political prisoners. Again, military attorneys had been instructed to accelerate the number of trials.

By the end of this stage, it had become clear that the attitude of the military courts varied from province to province. In some provinces (as Rancagua) penalties tended to be somewhat lower, whereas in other provinces (as Valdivia and Osorno), the sentences passed continued to be out of all proportion to the alleged offences and defence guarantees continued to be minimal.

The Committee of Cooperation for Peace has performed a task of great importance during the first year of military rule. With the support of the Roman Catholic Church hierarchy (the only organization in Chile which has been able to criticize the junta openly) it has had a certain degree of protection. It now has the support of Christian Democrat and even some pro-junta lawyers throughout Chile. At first (as noted above) the committee attempted to act in almost impossible circumstances. Up to the end of October, when the courts martial were convened in total secrecy, it was often impossible to arrange for any form of legal defence. On other occasions, the committee had to find lawyers who would attempt to prepare a legal defence in a matter of two to three hours. By June 1974 the

committee has been recognized both within Chile and abroad as the organization most equipped to fight for increased guarantees for political prisoners.

In the first months after the coup, individual lawyers were reluctant to criticize the junta openly, and the majority were unwilling — or unable — to undertake the defence of political prisoners. Many lawyers were harassed; others were imprisoned. One lawyer was prevented from defending political prisoners because he found that military tribunals deliberately passed exaggeratedly high sentences for every prisoner whom he attempted to defend. Another lawyer was physically assaulted in the north of Chile by military troops, simply because he had undertaken the defence of a political prisoner.

In December 1973 a group of impartial lawyers, many of whom had originally supported the coup, presented a memorandum to the junta, which was widely circulated within legal circles in Chile and has also received widespread publicity abroad. Stressing that the points made in the memorandum must be fulfilled if the junta was to ensure that the sentences passed, and the proceedings used by Chilean justice should be of "unquestionable validity", the lawyers made the following concrete petitions:

First, censorship of juridical opinions must be lifted, particularly in important political trials, in order to avoid the view that sentences were passed in an atmosphere of juridical bias. The courts martial must observe the open character of their sessions, or reveal the reasons why the sessions were held in secret in exceptional circumstances. Full texts of the verdicts of the courts martial must be delivered to the press; and the sessions of the courts martial must be announced at the least 15 days before the commencement of the trial, with defence lawyers granted full access to the dossier and to the accused. (This petition was made at a time when all courts martial had been held in secret, and when lawyers had experienced great difficulties in securing the verdicts of any of the trials.) Article 196 of the Code of Military Justice states that trials by courts martial will have open sessions, except when the court is passing sentence or "when so determined in qualified cases". The lawyers demanded that *explicit* reasons should be given, whenever the trials were held *in camera*.

Second, lawyers demanded that all non-military offences (i.e. those not punishable according to the Code of Military Justice) should be tried in accordance with the ordinary Penal Code and the State Security Law. That all *military* offences committed before 11 September should be tried in accordance with the Code of Military Justice *in time of peace*, and that the only offences that could be tried according to the Code of Military Justice as applied in time of war would be specifically *offences of a military nature committed after 11 September*.

The lawyers based this petition on the following grounds. Most of the political prisoners tried by the courts martial have been accused on two major charges: contraventions of the Arms Control Law and the State Security Law. Yet before 11 September 1973, the Arms Control Law, the State Security Law and the Code of Military Justice in Time of Peace were all in force, to establish the competence of the court, the procedure and the penalties. Moreover, the lawyers pointed out, the articles of the Universal Declaration of Human Rights, the Chilean Constitu-

tion and the Chilean Penal Code all affirm that the court, the penalty and the fundamental aspects of penal procedure are determined *by the moment at which the offence is committed*, and not by the *starting date* of the trial. As the lawyers summarized this point:

It is not impossible that, in accordance with this interpretation, an arbitrary political power is preparing a drastic prosecution of its opponents, ascribing to them crimes committed at some previous time, but the procedure for which is established only after it has announced a State of Siege in its favour.

In a second section, the lawyers criticized the irregular position of prisoners before they had been brought to trial. Arrested persons, they claimed, were taken to unknown places, and it was impossible for relatives to discover their location, the charges against them (if any) and their state of health. In the majority of cases, prisoners were detained indefinitely in solitary confinement. The situation for the legal processing of the prisoners remained indeterminate, thus making it impossible for lawyers to intervene adequately on their behalf. Moreover, the information which some lawyers had with difficulty managed to obtain involved the action of intelligence services acting independently of any courts. On this matter the lawyers requested that it be *clearly* established who were the authorities empowered to decree arrests; that relatives and lawyers be informed *immediately* of the place of detention, the legal position of the prisoners, and the court which would be responsible for the trial; that, after a prudent period of time had elapsed, the lawyer should be able to consult the accused, and also *know the charges against him*.

The lawyers noted that, despite the agreements reached between the Ministries of Justice and Interior and the Bar Association, no facilities had in fact been granted for such a contact. The agreement between the Government and the association must be implemented immediately, thus enabling lawyers to visit prisons and military barracks throughout the country unhindered, in order to arrange for a future defence. Lists should be made available of *all* those detained for political reasons, with information about the date of detention, circumstances of interrogation, committal for trial, whether they were in solitary confinement or allowed free communication, and whether or not they had a lawyer. When prisoners were removed from one place of detention to another, facilities should be given to the lawyer to seek information about this transfer, while those responsible for the arrest and custody of prisoners should be ordered to give information *immediately* to relatives concerning the place of detention.

Finally, these lawyers severely criticized the attitude of the Supreme Court. Noting that the edicts passed by the Supreme Court gave the impression that it had no jurisdiction over the actions or sentences of the courts martial, they claimed that such a decision by the Supreme Court would be acceptable only in a genuine state of war with a foreign country. In the present situation the Supreme Court had unreasonably abdicated all responsibility when trials were essentially of a political nature, when just verdicts were impossible without a calm evaluation of all the antecedents, and when "the courts martial have faculties which allow them to summarily and in secret make decisions affecting the life, freedom and honour of the accused, thus having the power to plunge the indicted themselves

and hundreds of families into a state of sorrow and permanent uneasiness without any possibility of appeal or amendment". Under the present circumstances validity should still be attached to Article 86 of the Chilean Constitution, which gave the Supreme Court the power to correct the decisions of all the courts of the nation. In conclusion it was petitioned that Decree Law No 5, which interpreted the "state of siege as in time of war", should be rescinded forthwith.

Analysis of the Present Situation

We have discussed the above mentioned document in some detail, because it gives the juridical opinions of a group of distinguished Chilean lawyers, who were by no means Allende supporters. Since the presentation of the document to the junta, there have been few improvements. As has been seen above, Decree Law 228 of 3 January 1973 (though it explained the legal base for arrests) did no more than justify arbitrary detention by the four sectors of the armed forces. Prisoners are still detained incommunicado, and writs of *habeas corpus* have repeatedly been rejected by the Supreme Court.

Although the organization SENDET (National Executive Secretariat for Prisoners) was established at the end of 1973 to coordinate all information about individual prisoners, it does not necessarily reveal its information to families, while the junta's security forces have often withheld information about arrests from SENDET. As the Commander of SENDET has himself told observers to Chile, SENDET rarely receives information about a prisoner until some three weeks after his arrest. The three weeks allows ample time for interrogation, and for the extraction through torture of statements that can be used against a prisoner, before his family or lawyer can establish contact with him.

Trials by court martial still tend to be held *in camera*. In a recent trial in Temuco, the courtroom was heavily guarded by soldiers armed with machine-guns, while the press and the families of prisoners were denied entry. In the first "public" trial to date, that of 57 members of the air force and 10 civilians in the Air Force Academy of War in Santiago (see below), families were still denied entry to the courtroom. The trial was public only in so far as the partisan press and selected foreign observers were permitted to attend. Though lawyers now appear to have more access than before to their clients, prisoners are still detained incommunicado in a number of military barracks to which even the International Committee of the Red Cross has been denied access. As regards trial legislation, not only has the junta decided to maintain the Code of Military Justice in Time of War for *all* cases, but it has even elected to *backdate* the state of war to an unspecified period before the military coup of 11 September.

FACH Trial

In mid-May 1974 the "public" trial of 57 members of the Chilean Air Force (FACH) and 10 civilians commenced in Santiago. Death sentences had been demanded for six of the accused and sentences of between 3 and 30 years for the remainder. The most notable of the accused, General Alberto Bachelet Martínez,

died shortly before the commencement of the trial, as an indirect result of torture received during interrogation. The case for the prosecution was based on statements and confessions which, according to the prosecution, proved that the officers had collaborated with militant Marxist organizations and had betrayed military secrets to them.

The officers for whom the most severe penalties were demanded were charged under Articles 245 and 257 of the Code of Military Justice, involving "treason, espionage and other offences against the sovereignty and external security of the State". Officers for whom smaller penalties had been demanded were charged primarily under Articles 291, 293 and 299 of the code, involving "offences against the duties and honour of the military". The civilians in this trial were charged with infiltrating the armed forces, and in securing military secrets from the air force officers.

One foreign observer to this trial observed that the court was convened "not to judge but to condemn". There is much to support such a comment. Before sentence had been passed, and before even the public session of the trial of many of the detainees, the Chilean Embassy in Washington gave a long description of the guilt of the prisoners in their April-May bulletin. The account, transmitting only the prosecution arguments and none of the defence testimony, describes the culpability of Captains Raul Vergara and Carlos Carvacho (for whom the death sentence had been demanded), even before their trial. Accounts in the censored Chilean press also assumed the guilt rather than innocence of the prisoners.

The embassy bulletin, however, reveals nothing of the circumstances of interrogation of these officers, of the confessions extracted through torture, or of the legal violations that were perpetrated against them during the first months after their arrest. The account that has reached Amnesty International from Santiago gives the following description. These Air Force officers, who were politically opposed to the military coup that deposed President Allende, were arrested soon after 11 September and transferred soon after arrest to the Air Force Academy of War. In the academy, they remained incommunicado until the end of October, while subjected to repeated interrogations and manifold torture. At the end of October, by which time they had been transferred to the Aeronautical Polytechnic Academy, they were permitted the first contact with their families. Only when they had been transferred to the public prison of Santiago towards the end of November were they permitted to have personal contact with defence lawyers.

During the period of incommunicado many of the officers were tortured with electricity, beaten, hooded, deprived of food, drink and sleep, burned with cigarette ends. During the application of these tortures, they were forced to acknowledge the charges that were made against them, and to compromise other people as involved in the alleged offences. At the end of this period, they were forced to sign written declarations admitting their guilt. Even during the period when they were in the public prison, they were taken back to the Air Force Academy of War for further interrogation and to sign further declarations.

Although their treatment was generally better in the public prison, the case of Captain Raúl Vergara Meneses provided a notable exception. On 5 December 1973 he was taken to the Air Force Attorney's office in the Air Force Academy

of War. Shortly afterwards he was taken to an unknown place where he was stripped naked and repeatedly tortured with electricity. His interrogators demanded further statements from him, to complete the case against him. Finally, under great stress, he was forced to state that he was the principal instigator of the activities of the "constitutionalist" officers, that he had planned to invade the Aviation School in Santiago, and that he had collaborated with MIR in its plans to infiltrate the Air Force. On 12 December, after a full week of interrogation under these conditions, Vergara was transferred to the Aeronautical Polytechnic Academy to recover. Only on 19 December was he finally taken back to the public prison. Such, according to sources in Santiago, were the methods that were used to extract confessions from these officers.

Between 15 May and 15 June 1974, a number of foreign lawyers observed the FACH trials, either as representatives of international organizations or in a private capacity. They included Ramsay Clark, former US Attorney General, accompanied by Judge William Booth, of the New York City Criminal Court; Joseph P. Morray and Ira Lowe, US lawyers representing the Fair Trial Committee for Chilean political prisoners; Professor Ole Esperson, Danish lawyer and member of parliament; Judge Horst Woesner, of the West German Federal Court, representing Amnesty International; Rene de Schutter and Mauricio Birgin, a Belgian and an Argentine lawyer, both representing the International Association of Democratic Lawyers.

The reports of all these lawyers are unanimous in asserting that the prisoners had no chance of a fair trial. Even the status of the court has been challenged by foreign observers. A notice outside the courtroom stated explicitly that no lawyer was able to challenge the competence of the court during the trial, but Ramsay Clark observed that he could trace no power for this court from the articles of the Chilean constitution. Other observers have challenged the juridical base according to which the military prosecutor drew up the case for the prosecution. The written text of the prosecution, while alleging that the Air Force officers were guilty of high treason for collaborating with the "enemy", gave the following explanation:

The juridical status of *enemy* which in this instance is held by MIR, the Communist Party, Socialist Party and MAPU, and in general all the political parties and political movements that formed part of the so-called Popular Unity government, is based on the provision of Article 419 inc 2 of the Code of Military Justice.

But as observers pointed out, the text of Article 419 of the Code of Military Justice states that:

In this instance one understands by *enemy* not only the foreign enemy, but any kind of rebellious or seditious forces that are organized in a military fashion.

In other words the prosecution has claimed that all those political parties which formed the constitutionally and democratically-elected government of President Allende were rebellious forces, organized in a military fashion, which were the *enemy* of the Chilean people *even before the military coup*.

The paradoxical nature of this argument is clear to any observer. It suggests

that all members of the military who in any way collaborated with the constitutional government before the coup, could be charged with high treason. Small wonder that many lawyers have pointed out that, in accordance with this interpretation, both President Pinochet (Commander-in-Chief of the Army during the Allende government) and Foreign Minister Huerta Diaz (who held a ministerial post during the Allende government) could be charged on the same grounds, because of their past collaboration with the Popular Unity government.

Other foreign observers have described the court martial proceedings during this trial. Although the trial was "public" no Chilean was permitted to enter except for the pro-junta censored press. The only known exception was a group of first-year law students who attended the trials during one day. Foreign observers had to receive written permission from the Chilean Air Force, and underwent a thorough body-search by heavily armed soldiers before they were permitted to enter the courtroom.

Each trial was conducted individually. The accused entered the dock, and listened to the written statement of the military prosecutor. The defence lawyer then made a brief statement, and was enabled to call on one or two witnesses who did no more than testify to the past good conduct of the accused. There was no *cross examination*, and no prisoner uttered a single word throughout the public session of the trial. The presence of defence lawyers appears to have been futile. The basic charge against the accused was that they had collaborated with an "illegal" government, but lawyers were not permitted to suggest that the Allende government was legal. As the US lawyer Joseph Morray reported:

When Hector Basoalto, the lawyer defending Francisco Maldonado, attempted to justify the loyalty of his client to the Allende government by arguing in favour of its constitutionality, the court suspended the session and prohibited the lawyer from further participation in the defence . . . the court informed the remaining defence lawyers that they would be silenced and prevented from appearing before the tribunal if they contradicted the premise of the attorney.

The question of the torture of the accused also came up before the tribunal. In this context one has to remember that the prisoners had allegedly been tortured in October 1973, when they were incommunicado and without access to lawyers, over six months before the public session of the tribunal. It is not surprising that the majority of defence lawyers told observers that they would be unable to prove torture before the court. One lawyer, in a press conference, told reporters that five of his clients had been tortured, but that he had insufficient evidence to make a denunciation before the court. Yet the two lawyers who did make reference to torture were immediately suspended from the trial.

According to press reports one lawyer, Hector Faundez, alleged that his client Sergeant José Corrial, had only made the statement that forms the basis of the charges against him after prolonged torture. Faundez was immediately suspended and warned that he might himself appear before a court martial. The military prosecutor asserted that such accusations were an "insult to the tribunal".

The major charge made by foreign observers has been the way in which the entire case for the prosecution was established. As noted above, the public session

of the trial involves little more than a reading from the prosecutor's statement. Yet how has this statement been compiled? It is based on a series of prior investigations and interrogations that have been carried out by the military and the junta's intelligence services *without any participation* by defence lawyers. It was only when the prosecutor's statement was completed that it was put into the hands of lawyers, who had very limited time to study it and then prepare their defence. According to Amnesty International's observer, Judge Woesner, this is the major reason why, from a legal standpoint, the entire proceedings must be considered null and void.

Legal Situation of Allende Ministers

Within a few days of the writing of this report, sentence will be passed on the FACH officers. Within a few weeks, the public session of the famous "Dawson Trials" (for all Allende's ministers and prominent prisoners formerly detained on Dawson Island) are expected to commence. Many Chileans have correctly noted that the passing of sentence on the FACH officers will be the single most important event in Chile since the coup, for it will set the precedent for all future political trials. If the FACH precedent is anything to go by, then the public session of the Dawson Trials may only have significance in that it will receive far greater international publicity. The essential problems will remain the same.

In effect, the Dawson "trial" has been in progress since 11 September 1973. While the Ministers were detained incommunicado on Dawson Island, without access to lawyers, they were subjected to frequent interrogations (albeit without torture), and the case was being prepared against them. For over two months not even their wives were able to see them, while their lawyers had no contact with them until their transfer to Santiago in April and May 1974. Even at the beginning of July 1974, formal charges had not been made, thus rendering it impossible for lawyers to prepare a serious defence.

Observers to the trials of the Allende ministers, if they take their task seriously, must do far more than attend the public sessions of the individual trials. They must carry out serious and detailed investigation into the methods of interrogation that have been used against Allende's ministers since 11 September 1973, into the prolonged violation of their fundamental right to meet regularly with defence counsel, into the juridical competence of those people who have conducted prior interrogations and investigations, and into the juridical competence of those people who have drawn up the final charges and accusations. Finally, observers must question the decision to try by "Military Justice in Time of War" those people who, in the eyes of many people, legitimately held the reins of administrative power until their own government was violently overthrown.

Repression of the Legal Profession since the Coup

We have already mentioned the harassment and detention of some lawyers, the killing of others, and the drastic restriction placed on lawyers in the exercise of their duties. Not only lawyers, but also judges, have been severely repressed.

Acevedo Essman, a former judge for the Indians, was detained after denouncing cases of torture. Danica Malic, a Labour Judge of San Antonio, was arrested simply for having been the treasurer of the Chilean-Soviet cultural institute. The number of judges dismissed is unknown to Amnesty International, but is believed to be over 30 by June 1974.

Until 11 September 1973, Chilean judges could not be removed from their posts except through a lawsuit for malconduct. Before the judge could be dismissed, he was entitled to speak in his defence and could only lose his post either by virtue of the decision of two-thirds of the members of the practicing judiciary, or through the system of annual reclassification permitting the dismissal of a judge who has been classed as unworthy (in a classified list) for two consecutive years.

By Decree Law 169 of 3 December 1973, the system of classification of judges was modified. It was the rule that a judge could be dismissed if his name was put on the list of "unworthy" by a simple majority, in only one instance. We have been informed by reliable sources that the voting has been secret, the charges have not been stated, and the person affected has not been given a hearing in his defence. By means of this system, the following judicial officials had been removed from their posts by 1 March 1974 (the list is not necessarily complete): Luis Ortiz, Minister of the Court of Iquique; Wilfredo Alzamora, Judge from Antofagasta; Alonso de la Fuente, Minister of the Court of Talca; Oscar Alvarez, Minister of the Court of La Serena; Luis Erazo, Judge from La Serena; Neptuno Rossel, Judge from Copiapó; Rogelio Muñoz, Prosecutor of the Court of Valparaíso; Alicia Herrera, President of the Labour Court of Santiago; Raúl Gutiérrez, Relator of the Court of Santiago; Uriel Parvex, Relator of the Labour Court of Santiago; Raúl Moroni, Minister of the Court of Santiago; Gioconda Cotroneo, Judge for the Province of Valparaíso; and Dolly Barria, Judge for Puerto Aysén.

While many judges of Labour Courts have been dismissed from their posts, the Labour Courts themselves have been rendered ineffective since the coup. Before the coup, all lawsuits on labour matters were heard by the Labour Courts. After the coup, these courts under Decree Law 39, were replaced by special tribunals to deal with the most important matters, such as appeals against arbitrary dismissal. These tribunals are composed of one labour judge, one armed forces representative and one labour inspector nominated by the junta.

Reasons for the arrest of lawyers are varied. Some such as Clodomiro Almeyda, Hugo Miranda, Carlos Morales, Anselmo Sule, Erick Schnake and Camilo Salvo, have clearly been arrested because of their prominent political importance. Others have apparently been detained because of the manner in which they exercised their profession, both before and after the coup. Among lawyers who are very clearly imprisoned for professional reasons we can list the following*:

Samuel de la Fuente, aged 58, in prison since September 1973. Accused of defending the legitimacy of the Allende Government before the tribunals of justice. After being subjected to long periods incommunicado in the Province of Concepción, he was later transferred to the detention center of Chacabuco in northern Chile.

* Some of these lawyers may by now be free, but were certainly in prison as of the end of May 1974.

Hernán Meege Navarrete, lawyer and professor at the University of Concepción. Before the coup, he had been an outspoken and public defendant of a number of naval cadets who had refused to support the plans of superior officers for a military coup, and had been subjected to torture by naval intelligence. Detained for this reason after the coup, Hernán Meege has allegedly been subjected to severe torture himself. Since March 1974 he has been detained incommunicado in the public prison of Concepción. Recent reports indicate that he is in a serious state of health as a consequence of torture received.

Jaime Inzunza, aged 28. He had participated in the trial against the naval cadets who opposed the coup, and has presumably been detained for this reason. Has allegedly been subjected to forced labour in Chacabuco.

Julio Sau Aguayo, expert in financial law. Had been a prominent legal adviser during the period of the nationalization of the private banking sector in Concepción during the Allende government. He has been accused of being one of the main instigators of the nationalization policies; apparently he has also been imprisoned for his public defence before the tribunals of justice of a group of people accused of the murder of a policeman. After being detained incommunicado in the football stadium of Concepción, Julio Sau Aguayo was transferred to Chacabuco.

In the report of the Amnesty International mission to Chile was published a letter from a group of Santiago lawyers which was handed to the delegation. The letter asserted that many other lawyers, including Carlos Naudon, Santiago Cavieles, Laureano León, Kurt Dreckman, Hector Benavides, Ana Ugalde and Gustavo Rojas had been arrested for exercising their profession. We do not know how many of these remain in detention.

Aptly, perhaps, this chapter has ended by describing the arbitrary imprisonment of lawyers themselves. When lawyers cannot even procure the release or adequate trial of members of their own profession, they can have little prospect for adequate intervention on behalf of others.

Five: TORTURE

The following testimony was received by the Chicago Commission of Inquiry in Santiago in February 1974:

On the chance that this message of agony should reach the hands of someone in my family, I am going to relate what they did to us when civilian personnel "invited" us to an interrogation which would last "two hours". We calmly climbed into two trucks, one white or cream, the other blue, if I am not mistaken. We followed streets until we reached the open country. Once there they put adhesive tape over our eyes, and we realized that this was an abduction, and the beginning of our "calvary".

They took us to what seemed to have once been an office and left us tied to the chairs all afternoon with a paper on our chests. Whoever passed us slapped and made fun of us. I was terrified, not knowing what more they would do to us. They put us into a closed truck. We were 14 prisoners, transported we knew not where, tied, and blindfolded. We travelled two or three hours. It was dark. They made us get down. I heard the sound of arms and it chilled me. I said goodbye to all my beloved ones, with my eyes full of tears. I thought they were going to kill us because they put us against some wood, with our hands up, feet behind and turned around. I didn't know what to think. My God, why are they doing this?

They put us in a wooden room, we were cold, frightened, hungry. We passed blankets around, but they did not cover the feet. We couldn't sleep. We asked each other: "Where are we?" "For what?" "Why?" They had us Friday, Saturday, Sunday with blindfolds; they took us in groups, with our hands one on top of the other, to take care of our personal necessities. On Monday they took us away.

In a truck 10 or 15 minutes from the encampment, they made us get down from the vehicle and they put us into a basement (we went down some stairs). We went with our heads covered and our hands tied behind us; they made us undress. They tied us and put us into cells which were noticeably narrow. Then began the inferno of terror.

From the first whom they took to the torture table, we heard not shouts, but howls. My body shuddered with fear. One could hear the beating and heard the voice of the torturer: "Who did it?" "Who went?" And our names were repeated, more blows, more cries and more terror. They finished with the first. We could hear his doleful moans outside. I was cold, but I was sweating all over from fear . . . They took the second . . . the same cries, supplication, the same questions, and the interrogator demanded: "You, too, were in the group! Talk or you will never leave here alive!" Curses, shouts . . . it was frightful. They finished with the second. Many had passed, with one nailed here, listening to the tortures. The third was the same.

Then my turn. They tied me on top of the table, powerful lights above me. They put cables on my nude body, dampened my skin, and began to apply the current to all parts of my body. The interrogators didn't ask anything, but assured me that "I did it". I denied these monstrosities and

they began to hit me in the stomach, abdomen, ribs, chest, testicles, etc.. I don't know how long they beat me, but with all the blows to the chest, my throat and lungs filled and I was drowning, I was going to die. They laughed, but assured themselves that I wasn't pretending. Then they put acid between my toes, they pricked pins in me, I felt nothing. They lowered me from the table. I could now breathe. They returned us again to the cells. But not one slept with our moaning. The other prisoners cried with us. They took us the next day, and it was worse. They did things that can't be described . . . there were threats of death unless we signed what the interrogators wanted . . . no one knows anything about us, they said . . . or they just applied the tortures. We were no longer men, but shadows . . . the third day we admitted guilt after flagellation. This is our "calvary", being innocent. Eight days later, we were moved from Tejas Verdes where we had been sequestered to the place where we were kept incommunicado for being "dangerous": that is what our flagellator offered us in his anxiety to accuse us, even at the cost of our lives. We signed the criminal declaration, forced upon us in this way, because we wanted to live and demonstrate our total innocence.

Why did they do this to us? From where comes the desire to blame us for something in which we did not participate? This is our "calvary"? Why, God, why? We have faith in justice.

This is just one of very many similar statements describing the brutal techniques of interrogation that have been used in Chile since the coup. Similar tortures have been practised in military barracks and police stations throughout the country, causing death to a number of prisoners, and causing others to sign confessions that have resulted in their being sentenced to long terms of imprisonment for offences which they may never have committed.

In this chapter we describe the sources which can be considered as providing reliable evidence for the widespread use of torture: the extent of torture both immediately after the coup, and in the ensuing months up to the present time; the methods; the places where torture has been used; and the officials responsible for inflicting it.

Sources

The widespread use of torture has been documented by a number of international organizations that have carried out investigations in Chile since the coup; by foreign diplomats, journalists and lawyers who have observed trials; by leading members of the Chilean church; by Chilean lawyers; by the relatives of political prisoners; and (naturally) by the ex-prisoners themselves.

The Amnesty International delegation was able to support individual allegations of torture by examining the torture marks on prisoners still detained in the National Stadium of Santiago; on prisoners who had recently been in the stadium; and on one woman prisoner who had recently been released from a police station where she had been subjected to electric shock treatment and beating and still showed the scars of severe lacerations on her body. The AI delegation was also informed by those responsible for the custody of the prisoners in the National Stadium that the Brazilian police had assisted in interrogations there and had also given a course in interrogation techniques at the Ministry

of Defence. The delegation lawyer saw the torture marks of Brazilians who alleged that they had been tortured by the Brazilian police. Officials at the Foreign Ministry vigorously denied that foreign interrogators had been present in Chile. Chilean officials at the Ministry of Defence and Ministry of Interior only acknowledged one case of torture that had been brought to their attention, although we were informed by ex-prisoners that officials of the International Committee of the Red Cross had brought many similar cases to their notice before and during the period of our stay in Chile.

A delegate from the American Catholic Bishops Conference made similar allegations in November 1973. He reported the widespread use of systematic torture on a selective basis, affirming that his findings were based on reliable personal interviews, and "not on rumours, speculation, or other forms of unverifiable data".

Delegations in 1974 gave similar reports. The Chicago Commission of Inquiry, which visited Chile in February 1974, talked to several prisoners in the Chile Stadium in Santiago who still showed the marks of tortures previously received. The Chicago Commission also testified about the brutal torture in the special interrogation camp of Tejas Verdes, north of Santiago. The International Commission of Jurists, after a three-man mission to Chile headed by Secretary General Niall MacDermot in April 1974, reported:

We believe that the various forms of ill-treatment, sometimes amounting to severe torture, are carried out systematically by some of those responsible for interrogation and not, as many people sought to persuade us, in isolated instances at the time of arrest.

Further groups of foreign lawyers from Canada, Denmark, Belgium, and Argentina all asserted in May and June 1974 that torture was still commonplace during interrogation.

In Chile itself, after the Roman Catholic episcopal conference, Cardinal Raúl Silva Henríquez issued a public statement in April 1974 condemning the "physical and moral pressure used during interrogation". His statement was reportedly based on a memorandum submitted to him by leading members of the Chilean church, which gives the most detailed evidence to date of individual cases of torture in Chile. The document lists eight centers in the Province of Santiago alone where torture was proved to have taken place. Altogether, it lists 17 different places where severe torture is known to have taken place. The document lists a full 27 different methods of torture used and describes over 100 cases of torture, including 16 cases where the prisoner died as a result of tortures received.

An eight-man delegation from the Human Rights Commission of the Organization of American States carried out an investigation during a two-week visit to Chile in July 1974. Although its report has not yet been issued, the commission recommended publicly to the junta that physical and psychological torture should cease—a clear indication that torture continued as of July 1974.

In addition, Amnesty International has received innumerable written statements and oral testimonies from the ex-prisoners themselves, from Chilean lawyers,

and the testimonies of a number of individuals who have visited Chile in a private capacity.

Torture After the Military Coup

In the first weeks after the coup, the majority of the prisoners were kicked, beaten, threatened, and subjected to physical and moral pressure of all kinds during interrogation. In the National Stadium of Santiago, at least 50% of the prisoners were maltreated in one form or another. In provincial prisons and military barracks, prisoners had even less protection. In the first stages, methods of interrogation appear to have been similar everywhere. The purpose of the brutality appears to have been intimidation, rather than any genuine attempt to extract confessions as a result of which serious charges could be filed. After a few days of such treatment, thousands of prisoners were released.

Although torture can *never* be justified, the chaotic brutality of this chaotic period is more easily understandable than the calculated and systematic torture that has now become commonplace. Many of the interrogators were frightened soldiers, who, as victims of the junta's propaganda, may genuinely have believed that Plan Z existed, and that their own lives were in danger.

By the end of October, there were clear signs that more systematic torture, for more specific purposes, was used in many places of detention. In the National Stadium, rooms were equipped for the application of electricity. In the stadium and in military barracks throughout Chile, prisoners were hooded during interrogation for prolonged periods, electricity became widespread, female prisoners were subjected to frequent sexual abuse during interrogation.

Torture as Official Policy

Within a few weeks of the coup, torture appears to have become an official policy of the Chilean Government. The use of torture became more uniform, and became a constant practice during interrogations. Though by no means *all* prisoners were tortured, all ran the risk of being tortured, and were aware that they had no form of judicial protection during the interrogation period. Prisoners began to be transferred from the larger detention centers—Pisagua, Quiriquina, National Stadiums of Santiago and Concepción—to military centers, some of which were specifically equipped for the application of torture. In some cases (as for example, that of MIR leader Bautista Van Schouwen), prisoners might be detained for weeks or even months and subjected to frequent torture, before the junta admitted that they had been arrested. In some cases, torture was used to extract information that could lead to further arrests and break down the Chilean resistance. In other cases (as in the case of the Air Force officers mentioned in the preceding chapter) torture was used to extract written confessions that could be used as evidence against the prisoner.

The junta at first denied that torture had taken place at all. Later, as the International Commission of Jurists observed, junta officials attempted to convince foreign observers that torture took place "in isolated instances at the time of

arrest", and was beyond the control of the junta. The disingenuousness of such a claim can be seen clearly from a close examination of the locations where torture is known to have taken place. Among others can be listed:—

Los Angeles Military Regiment
 Engineering Regiment of Tejas Verdes
 Infantry Regiment of San Bernardo
 School of Telecommunications
 Submarine Military School of Valparaíso
 Naval Academy of War
 Military Regiment of Guías
 Coraceros Regiment of Viña del Mar
 Tacna Military Regiment
 Cerro Chena Military Barracks
 Military Regiment of Butn
 El Bosque Air Base
 Investigations Headquarters in Santiago
 Maipo Military Barracks
 Calle Londres 38 (interrogation center in Santiago under FACH control)
 Air Force Academy of War

Torture admittedly, has taken place in local police stations throughout Chile. Excesses and violations have been committed by local police officers and local camp commanders. But there can be no stronger evidence for the complicity of high ranking military officers in the torture of political prisoners than the mere naming of these 16 major military centers and military schools.

In recent months, the junta has been sensitive to the many allegations of torture made in the foreign press. At the beginning of 1974, General Pinochet is reported to have circularized military camp commanders, informing them that reprisals would be taken if the extensive use of torture was not controlled. At the same time, increased restrictions were placed on prison visiting. The International Committee of the Red Cross reported in its monthly bulletin that its delegates in Chile had been refused access to a number of military places of detention.

At the end of 1973, a new intelligence organization, DINA (National Intelligence Directorate) was established to co-ordinate the activities of the intelligence services of the four sectors of the armed forces: SIFA (Air Force Intelligence), SIA (Naval Intelligence), SIM (Military Intelligence) and SICA (Police Intelligence). DINA, it was decreed, should be responsible directly to the junta for its activities. Even the military commanders of the Chilean provinces were unable to demand access to detention centers in their own province which were under DINA's control.

At the beginning of 1974, the head of DINA was also the commander of Tejas Verdes. It is in this same Tejas Verdes that the largest number of individual cases of torture have been documented, and where most deaths as a consequence of torture have been reported.

At first, then, there was no serious attempt by the junta to stem the use of torture. Torture was practised widely in military headquarters, by all sectors of the armed forces and police. There appears to have been no genuine concern to disguise the fact that widespread torture was used. More recently, there have

been attempts to improve Chile's international image in this respect, while at the same time creating special intelligence organizations that were trained in sophisticated torture techniques.

In quantitative terms, the worst period of torture may have passed in Chile. As a result of international pressure and publicity, and overtures to the Interior Ministry from concerned lawyers and church officials in Chile, we understand that Tejas Verdes and a number of interrogation centers in Santiago have been closed down. In qualitative terms, the situation must be considered as grave as ever.

At the time of writing, Amnesty International was continuing to receive reports that prisoners—mainly those suspected of belonging to political parties of the extreme left—were still being subjected to beatings, electric shock treatment and psychological torture. In the Air Force Academy of War, where a number of former ministers are currently detained pending trial, many suspected MIR members have been detained in adjoining cells, where they are reported to have been tortured on frequent occasions.

Although Amnesty International believes that some highly placed Chilean officials may be opposed to the use of torture, we are concerned that the recent decree law formalizing the status of DINA as the co-ordinator of intelligence services and that the continuing "State of Siege in Time of War" justifying arbitrary arrest, necessarily point to a tacit acceptance of the continuing use of torture. Some pro-junta observers have argued that intelligence services have acted independently of the authorities. Yet no steps have been taken to alter the arbitrary powers of those intelligence and security services which have been trained with official consent in the use of sophisticated torture techniques.

Methods of Torture

The first weeks after the coup were a time of savage brutality, with little or no respect for human life. Many people were tortured to death. The bodies of prisoners were found in the Rio Mapocho, sometimes disfigured beyond recognition. Two well-known cases in Santiago are those of Litre Quiroga, the ex-director of prisons under the Allende government, and Victor Jara, Chile's most popular folk-singer. Both were detained in the Chile Stadium and appear to have died as a result of torture received there.

According to apparently reliable reports, the body of Victor Jara was found outside the Chile Stadium, his hands broken and his body badly mutilated. Litre Quiroga had been kicked and beaten in front of other prisoners for approximately 40 hours, before he was removed to a special interrogation room, where he met his death under unknown circumstances. In other prisons, techniques were largely similar, the degree of brutality depending on the whims of the individual camp commander. Many instances have been reported which involve burning (with acid or cigarettes), use of electricity, of psychological threats including simulated executions and threats that the families of the prisoners would be tortured.

According to other reports received by Amnesty International, prisoners have

been forced to witness or participate in sexual depravities. An unknown number of women have been raped; some of them, pregnant after rape, have been refused abortions. Women have had insects forced up their vagina, pregnant women have been beaten with rifle butts until they have aborted. Prisoners have been forced to eat excrement, have been plunged endlessly into ice-cold water, have had their bones smashed, have been left to stand naked in front of the sun for many hours. In the boat *Esmeralda*, anchored off the shore of Valparaíso, prisoners were allegedly left naked and tied to the masts of the boat. At times, some prisoners were forced to witness the torture and death of others. One doctor, in the prison camp of Pisagua, was apparently forced to witness the execution of fellow prisoners.

In recent months, the methods of torture used have tended to become more uniform. All prisoners have been hooded during interrogation, both to hide the identity of the torturer, and to increase their own psychological fears. Psychological torture appears to have become more prominent. Prisoners have been threatened that they would be executed if they did not make the required confessions. They have heard screams in adjacent cells (either genuine sounds of torture, or simulated noises to produce the effect of torture). They have heard threats against their families and have even been told that relatives were being tortured in adjacent cells.

The most common forms of physical torture have been prolonged beating (with truncheons, fists or bags of moist material), electricity to all parts of the body, and burning with cigarettes or acid. Such physical tortures have been accompanied with the deprivation of food, drink and sleep. At times more primitive and brutal methods have continued to be used. On 19 December one prisoner was found dead with his testicles burned off: he had also been subjected to intensive beating and electric shocks.

Many ex-prisoners and observers have alleged that members of the medical profession had been implicated in the torture of political prisoners in Chile since the military coup. Allegations are of two major kinds. The most serious claim is that doctors have attended torture sessions, advising on the physical state of the interrogated, and have applied the "truth drug" penthatol and other drugs during interrogations. A second allegation is that leading members of the medical profession have been aware that the torture of political prisoners has taken place within the military hospital itself, and have at times had the opportunity to visit those prisoners who had been subjected to torture.

There appears to be, at the very least, some truth in these allegations. There is considerable evidence that doctors were present during the torture of prisoners in the National Stadium. One doctor who was himself a prisoner for many weeks in the stadium (who was not himself tortured but received statements from a number of prisoners who had been tortured) has asserted that doctors were often present at the sessions. AI has received three separate allegations of the application of penthatol during interrogations.

Six: REFUGEES

Many thousands of Latin American refugees had been granted asylum in Chile during the Popular Unity government. Although the exact number is unknown, and was almost certainly unknown even to the Allende government, the figure is estimated at something between 13,000 and 15,000. The French newspaper *Le Monde* on 24 September 1973 estimated that there were 4,000 Bolivians, 3,000 Uruguayans, 2,000 Argentinians, 1,200 Brazilians, and small numbers from other Latin American countries. Other newspaper sources gave far higher figures.

These refugees had entered Chile in many different ways, and for many different reasons. The majority had been persecuted by their own governments: many ran the risk of imprisonment, torture or even death if they returned to their countries of origin. Others, who had not suffered direct persecution, had chosen to emigrate to Chile in order to enjoy the political freedom offered by the Allende government. The Allende government did not have complete registers of the foreigners who had entered Chile during the past three years. Some political refugees had no more than a stamp which permitted them to enter Chile. Many were reluctant to apply for formal refugee status, fearing that this would impose severe restrictions on their activities. Apparently, it was possible to secure employment without formal registration.

After the Coup

Immediately after the coup, official statements, radio broadcasts and leaflets encouraged an atmosphere of extreme xenophobia. Amnesty International has received some of the leaflets that were dropped throughout Santiago at this period. The translation of one of these reads:

The actions carried out by the armed forces and police only pursue the good of Chile and Chileans, and therefore they have the support of civilians. No compassion will be had with the foreign extremists who have come to kill Chileans. Citizen: remain alert to discover them and denounce them to the nearest military authority.

Official communiques from the military indicated that foreigners figured prominently among the "14,000 armed extremists in the country". One military official claimed that 13,000 foreigners—i.e. the entire foreign population—were involved in the plot to instigate civil war.

In this tense atmosphere very many foreigners were detained, others were forced to seek political asylum or go underground. Some were shot. Although precise details of the deaths of foreigners are not available, it appears that many

were shot by local policemen who interpreted overzealously the orders to exterminate Marxism. One source reports that a police patrol shot a Venezuelan student simply because they discovered his identity. Five Uruguayans are likewise reported to have been shot when their nationality and political tendencies were discovered.

Other foreigners have disappeared since the coup, and their whereabouts are still not known to close relatives. It is presumed that such persons were executed without trial. The vast majority of detained foreigners have now been released, and immediately expelled from Chile. A small number remain in detention awaiting trial by court martial.

International Intervention

In the first days after the coup, foreign embassies were refused permission even to visit their own nationals detained in the National Stadium. The *New York Times* reported on 21 September 1973 that the German and Swedish Embassies had been refused permission to pay visits. It was also several days before the United Nations High Commission for Refugees (UNHCR) was able to enter Chile. The High Commissioner cabled the Chilean Foreign Minister on 13 September, expressing grave concern that refugees within the mandate of the UNHCR were threatened, and that there were fears for their lives and safety. He appealed for their protection, and stressed that refugees should be treated in accordance with the provisions of the refugee conventions and legal instruments which Chile had ratified.

On 16 September, he received a reply from the Chilean Foreign Minister, giving assurances that those refugees who had entered Chile in a regular way and who had not committed "offences" would be treated in accordance with the principles of the conventions, while no refugees would be threatened with forced repatriation to their countries of origin. A few days later the UNHCR representative for Latin America was permitted to enter Chile, to establish an emergency office, and to arrange for regular visits to detained foreigners within the National Stadium. As a result of negotiations between the UNHCR and the Chilean Government, a National Committee for Aid to Refugees (CNAR) was established.

The official authorization for the operations of CNAR were spelled out on 30 October 1973 by Decree 1308 of the Ministry of Interior. The decree, while authorizing the existence of CNAR for a period of three months, imposed very grave restrictions on its freedom of action. Article 2 of the decree stipulated:

The National Committee for Aid to Refugees will have as its sole purpose to co-operate with the Chilean government in the resolution of the problems which affect the foreign refugees in our country, giving them material aid, helping them to leave the country through legal avenues for the country of their choice, or regularizing their presence in the country.

CNAR was authorized to set up a central information center, and central and regional offices which would deal with all foreigners. *El Mercurio* published advertisements giving the addresses of such centers, and encouraging refugees to register with them.

Originally there were 13 such centers in Santiago and 20 throughout the rest of Chile. Foreigners could then be classified according to three separate categories. First, they could be given permission to remain in Chile if their papers were in order and they had committed no "offence". Second, they could be ordered to leave Chile, but would be given a safe conduct pass to leave for the country of their choice. Third, foreigners could be informed that they had committed a crime while in Chile, and would have to stand trial by court martial. CNAR was also authorized to establish "centers of refuge and lodging", in which refugees could take up temporary residence while awaiting the verdict of the Ministry of Interior. It was, however, clear that there were no guarantees for the protection of such persons, and that these centers could in no way be considered places of asylum. Article 3 of Decree 1308 stipulated:

While this arrangement lasts no authority can enter the territory under the jurisdiction of the center without the previous authorization of the Ministry of Interior or Governor of the Province, except in specific and urgent cases. Without detriment to the above, if during his presence in such a center the Chilean government demands that a refugee be turned over to the authorities because there exists a well founded presumption that he has committed a common crime, that foreigner will immediately cease to be protected by the Committee.

Under such double-edged guarantees, few refugees with political antecedents were willing to surrender themselves to the dubious security of the CNAR center. When Chileans were court martialled for the mere membership of Marxist parties, few foreign refugees did not run the risk of court martial themselves.

Ultimately, the junta decided that it would be counter-productive to detain large numbers of foreign refugees. Of those detained in the National Stadium, the authorities had originally decided that approximately 400 would be expelled from Chile, while 48 would have to stand trial by court martial. After pressure from the UNHCR and foreign governments, the original decision was later reversed. Almost all foreign detainees were transferred to United Nations camps and quickly expelled from the country. The Amnesty International delegation that visited the National Stadium on 7 November was able to confirm that there were only 20 foreigners still detained there, the majority being released one day later. In other parts of Chile, guarantees were less convincing. The AI delegation confirmed that a number of foreigners were still detained in provincial prisons, without access to UNHCR protection.

By mid-1974, the problems of foreign refugees within Chile had largely been solved. On 27 April 1974 the International Commission of Jurists reported on the situation of foreigners:

We consider that the government has fully met its obligations under the various relevant conventions to which Chile is a party. Nearly all of those wishing to leave have been permitted to do so, whether they sought asylum in foreign embassies, or were resettled with the help of the UNHCR, or left on their own by lawful means. Others, perhaps fearing that they might be arrested, have left clandestinely. Only 20 foreigners are known to have been sentenced by military courts, and about 20 others are awaiting trial, of whom half are released on bail. Some hundreds of the original ten thousand or so aliens still remain, and a small number (about five to six

each week) are still coming forward asking to be resettled as refugees.

Amnesty International remains concerned for the few foreigners who are still in detention. One such case is that of Nelsa Gadea Galan, a 30-year-old Uruguayan citizen employed in the Ministry of Housing who was permitted to remain in Chile. Nelsa Gadea was arrested at work on 19 December 1973, and is believed to have been sent originally to the Women's House of Correction in Santiago. Although the UNHCR has announced that Nelsa Gadea falls within their mandate, they have been unable to procure her release. The military authorities originally denied that she had been arrested, but a Foreign Ministry official informed UNHCR representatives in July 1974 that Nelsa Gadea was presently "in a prison in the north of Chile", and that he would attempt to have her transferred to Santiago. Though the problems of the majority may have been solved, this one case alone is sufficient to show that foreigners can by no means be considered secure.

Political Asylum

From the first hours of the coup, a large number of Chileans and foreign refugees sought political asylum in Santiago embassies. A number of political leaders sought asylum, after their names had appeared on the "wanted list" in newspapers and radio broadcasts. Many political prisoners sought asylum after release, in justifiable fear of immediate re-arrest. By the beginning of October most Latin American embassies (including the Argentine, Venezuelan, Panamanian, Mexican and Ecuadorian) were full to overflowing.

Permanent military guards were soon posted outside all Latin American embassies, with orders to shoot on sight at all those trying to gain access. A number of European diplomats at first refused to open the doors of their embassies to political refugees, on the grounds that European governments had not been signatories to the Treaty of Caracas which establishes the principles of asylum and safe conduct passes for victims of political upheaval.

Many European and non-Latin American diplomats decided that the exigencies of the moment were of greater importance than an over-literal interpretation of the Caracas Treaty: that the saving of human life took precedence over diplomatic protocol. The intervention of the Swedish Ambassador Harald Edelstam in particular, provided great encouragement to other European diplomats and governments, and is widely believed to have saved a great number of lives. His activities on behalf of refugees finally led to his being declared *persona non grata* and being expelled from Chile in December 1973.

By mid-December over 4,000 Chileans were estimated to have taken asylum in foreign embassies. Though safe conducts out of Chile had been granted to the majority, the junta withheld permission to leave from approximately 500 leading politicians and Allende supporters, on the grounds that they were guilty of "common crimes" and would have to stand trial. The junta also determined to restrict the provision of political asylum. On 11 December 1973, the Chilean Foreign Ministry addressed a circular letter to all European embassies in Santiago, notifying them that they would no longer be able to request safe conduct passes

for persons who entered their embassies after that date. At the same time increased security measures were taken to prevent persons from gaining access to Latin American embassies.

The legality of the junta's measures has been called to question by many international experts. The Chilean government has signed the American Convention on Human Rights 1969, which states clearly in Article 22.7:

Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event that he is being pursued for political offences or related crimes.

There can be no doubt that this provision was violated, by the refusal of the Chilean government to grant safe conduct passes. The intransigence of the junta caused such exasperation to foreign diplomats that one ambassador—the Colombian—eventually resigned in protest.

After increased international protest, almost all those in asylum in foreign embassies were finally permitted to leave Chile by July 1974. At the beginning of June, Mexican Foreign Minister Emilio Rabasa had flown into Santiago and successfully negotiated safe conduct passes for the 72 refugees remaining in the Mexican Embassy. It was reported that Mexico agreed to resume full commercial and diplomatic relations with Chile, in exchange for the safe conduct passes. Shortly afterwards it was officially announced that all Latin American embassies had been emptied, while safe conducts were granted to the few remaining refugees who had been in European embassies since the previous year. Only Italy was to be denied the safe conduct passes, until it should recognize the Chilean junta.

Recent information indicates that, despite the frequent assertions of the junta that no more safe conducts will be granted after the embassies have been cleared, Chileans are continuing to seek political asylum. *The Guardian* newspaper in Britain reported on 9 August that a strong military guard was placed outside the British Embassy after 15 Chileans had visited the embassy with a view to seeking asylum there. Rather than face the international embarrassment caused by a further withholding of safe conduct passes, it appears that the junta is now taking even stronger measures to seal off foreign embassies.

Even after their transfer from Chile, leading Chilean refugees are not necessarily safe. Even while safe conducts were being delayed, the junta was preparing petitions for the extradition of more prominent individuals. According to a report on 26 June 1974 in the Spanish newspaper *Vanguardia*, the Chilean Supreme Court had requested the extradition of the ex-governor of the Province of Colchagua, Juan Codella Diez, for "arbitrary and illegal arrests" during the Allende government. Codella Diez had recently received asylum in Buenos Aires. The Chilean Supreme Court was also considering the case for requesting the extradition of Juan Avila Saavedra (then in asylum in the Italian Embassy) for "participation in an assault on a police station" on the day of the military coup. Similar petitions have been made for the extradition of the majority of the political leaders of the Allende government who have received asylum abroad.

If the problems of leaving Chile have now been largely solved for foreign refugees

and for Chileans in embassy asylum, the problems abroad remain immense. Many governments and organizations—particularly the Inter-governmental Committee for European Migration—have worked outstandingly under difficult circumstances to arrange for travel facilities and repatriation opportunities. Yet many Chileans and foreign refugees have been granted only temporary asylum abroad, in such countries as Peru and Argentina.

The safe conduct passes granted by the Chilean government were valid after issuance for only 24 hours for Chilean nationals, and for 48 hours for foreign refugees. Under such desperately difficult circumstances, persons had to be flown to temporary transit centers until permanent opportunities for resettlement became available. At the time of writing, many thousands of refugees from Chile remain unsettled in temporary transit camps in other Latin American countries.

Appendix: SOME CASES OF REPRESSION

Government Ministers

Clodomiro Almeyda

Born in Santiago in 1923, Clodomiro Almeyda had held many distinguished posts in academic, political and diplomatic life. He joined the Socialist Party in 1941, had subsequently been appointed a member of the party's central committee, and held various party posts rising to that of Under-Secretary General. He was Minister of Labour in 1952-3, Minister of Mines 1953-61 and member of the Chilean delegation to the United Nations in 1970. He held the post of Foreign Minister throughout the Allende government, except for a brief period in 1973 when he was appointed Minister of Defence.

Almeyda was arrested almost immediately after the coup and taken to Dawson Island. After transfer to a military barracks in Santiago in late March 1974, he could not be traced for several days—until his wife launched an urgent appeal on his behalf to the world press. In a subsequent interview given to a Mexican journalist, Almeyda revealed that he had been detained *incomunicado* in the Tacna Regiment, his eyes bound day and night for 15 days. Since that period, he has had regular visits from his family. By July 1974, precise charges against Almeyda had not been formulated.

Orlando Letelier

Born in Temuco in 1932, Orlando Letelier has been a respected and widely travelled economist and diplomat. He worked in the Inter-American Development Bank as Chief of the Economic Division and Director of Loans Division in 1960-70. From 1971-73, Letelier was Chilean Ambassador to Washington. In 1973 he was recalled to Santiago, and held the posts of Foreign Minister and Minister of Defence during the last months of the Allende government.

Orlando Letelier, as Almeyda and other former ministers, spent several months detained on Dawson Island after the military coup. Since his recall to Santiago in May 1974, he has been detained in the Air Force Academy of War. Although he personally is reported to receive adequate treatment, it is alleged that people in neighbouring cells have been subjected to severe torture. The exact charges against him are unknown. Nevertheless, letters published since the coup in the Chilean press, which the junta alleges were signed by Letelier during his term as Chilean Ambassador in Washington, have been used as evidence that he was involved in the illegal importation of arms from the US to Chile. Apparently, attempts are also being made to link Letelier with a drug trafficking network which was allegedly run from the Chilean Embassy in Washington. Evidence for the existence of such a network appears to be very weak.



top left: former Foreign Minister Clodomiro Almeyda.

top right: Orlando Letelier, former Chilean Ambassador to Washington.

above left: Elsa (Coca) Rudolf, actress who was tortured and is now permanently deaf in one ear.

above right: Marcelo Romo, one of Chile's leading actors.

left: Jorge Gatt, student.

Academics

Viola Muñoz

Viola Muñoz, a professor in her mid-40s, had held the post of Professor of Social Anthropology at the University of Chile in Arica, northern Chile. She was arrested on 11 September, the day of the coup, and passed over for trial by military tribunal. At first, a total of 11 years' imprisonment was demanded by the military prosecutor, in accordance with Articles 4, 6 and 11 of the Law of Internal Security. A maximum penalty of five years' imprisonment was demanded on one charge, in accordance with Article 4 which pronounced the guilt of those who "by oral, written or any other means sustain doctrines which tend to alter or destroy through the use of violence the social order and the republican and democratic form of government".

However, when her trial by court martial took place on 29 December 1973, the military commander raised the penalty under Article 4 from five to 20 years, the maximum possible penalty for this article according to the Code of Military Justice in Time of War. Consequently, Viola Muñoz was sentenced to a total of 26 years' imprisonment. The charges were allegedly based on the fact that Viola Muñoz had indoctrinated her students by introducing Marxist ideas into the university curriculum. Under Articles 6 and 11 of the Law of Internal Security, Viola Muñoz was sentenced to six years' imprisonment on charges that she participated in university sit-ins as far back as during the government of President Eduardo Frei in 1970.

Viola Muñoz is now serving sentence in the Women's House of Correction in Santiago. Her doctor has publicly certified that, due to a serious hyper-thyroid condition, she would be unable to endure a prison sentence even of far shorter duration.

Nicolas Vega Angel

At the time of his arrest on 11 September 1973, Nicolas Vega was the Vice-Rector of the University of Chile in Osorno. He was arrested in Osorno on the day of the military coup. Subsequently, the military alleged to have discovered a small number of fire-arms within the university premises. On the sole charge of the illegal possession of fire-arms, Nicolas Vega was tried by court martial in November 1973, together with other professors and students of the same university.

Nicolas Vega was sentenced to 15 years' imprisonment, in accordance with Article 8 of the Arms Control Law, which pronounces the guilt of those who: "belong to, organize, finance, provide, help, instruct or stimulate the formation of paramilitary groups". It should be noted that Nicolas Vega was arrested on the very day of the coup, while the corresponding Article of the Arms Control Law provides for a maximum penalty of only 540 days' imprisonment under the ordinary Chilean Penal Code in Time of Peace.

Lawyers

The cases of some lawyers who have suffered at the hands of the junta have

already been sketched in chapter 4. Here are two others:

Pedro Henríquez Barra

Pedro Henríquez Barra, aged 45, specialist in labour law. During the Popular Unity government, he achieved great repute as the foremost public defendant of students and lawyers in particular. He was also involved in the defence of the naval cadets who were detained shortly before the coup. According to reports received (which we have not been able to verify) he received appalling treatment immediately after his arrest. Allegedly, he was detained for six days in the National Police barracks in Concepción, where he was bound and handcuffed and subjected to repeated torture.

After other transfers, first to the quarters of the civil police (where he was detained *incomunicado* for 28 days), later to Fort Borgoño (where he was allegedly subjected to further torture) Pedro Henríquez Barra was finally transferred to Chacabuco. Although he has not yet been tried, and the formal charges against him are unknown, it is believed that his arrest was due to connections with extreme left-wing parties, and the defence of the activities of such parties.

Egudío Contreras

Egudío Contreras, aged 64, was also a specialist in labour law. He had suffered political imprisonment in the past because of his convictions. In 1948, under the Presidency of Gonzalez Videla, he was banished to Pisagua, apparently for his political writings. Apart from his activities as a lawyer and writer, Egudío Contreras had also been Governor of the Province of Concepción. He was arrested soon after the military coup, detained first on Quiriquina Island and later in the football stadium of Concepción. Recently he was transferred to Chacabuco. Charges against him are not known.

Doctors

Amnesty International has published separately documentation concerning the position of the medical profession since the coup. Documentation published both within and outside Chile has revealed the following distressing statistics. At least 14 medical doctors (including President Allende) are known to have lost their lives; at least 109 medical doctors have been detained at one time or another since the coup; at least 69 medical doctors have effectively been prevented from practising their profession—all this in a country where medical authorities have lamented the acute shortage of doctors. (These figures, indeed, do not include all those doctors who have felt obliged to leave the country since September 1973.)

Many of the detained doctors were denounced by members of the General Council of the Medical Association which had twice ordered political strikes against the Allende Government, the first time in October 1972, the second in August and September 1973. After the coup, those doctors who had not participated in the second strike were ordered to write to officials of the Medical Association explaining the reasons for their abstention. Where the reasons for

abstention were considered unsatisfactory by the association, doctors were barred from further practice.

According to government sources, including the statements of Minister of Health, Alberto Spoerer Covarrubias, the detention of the majority of these doctors was in connection with the discovery of several "clandestine hospitals", the majority of them within the Santiago area, which were to have been used for the treatment of Allende supporters in the event of an outbreak of civil war after Plan Z.

According to opposition sources, these "clandestine hospitals" never existed in the form alleged by the junta, but were clinics which were established for emergency treatment during the period of the doctors' strike shortly before the coup. The National Health Service channelled drugs and medical equipment to such emergency clinics when treatment within the major hospitals was boycotted by approximately 70% of Chile's doctors. The arrest of other doctors has clearly been in connection with their political militancy within the Popular Unity parties.

In Santiago, doctors were interrogated by Air Force intelligence in a special detention center in Calle Agustinas known as the "doctors' prison". After considerable pressure from international medical organizations, including a visit from three delegates sent to Chile by the American Public Health Association, the majority of detained doctors have now been released. Calle Agustinas was closed down, and a number of doctors released, shortly before the American delegation arrived in Santiago in June 1974.

Some individual cases of doctors still in detention:

Jorge Peña Delgado

Jorge Peña Delgado, aged about 50, is an obstetrician who had been Professor of Gynaecology and Obstetrics at the Medical School of the University of Concepción. He was also the Director of Public Health for the Provinces of Concepción, Arauco and Bio-Bio during the Allende government. Detained soon after the coup, he was allegedly subjected to severe torture by the military at the Talcahuano Naval Base, and in military regiments in Concepción. At the end of December 1973 he was transferred to Chacabuco. He has not been brought to trial and the charges against him are unknown.

Alvaro Reyes Bazán

Alvaro Reyes Bazán, aged 47, is a surgeon specialist in traumatology. Before the coup he taught at the University of Chile. He held a high position in the Medical Federation of Chile in which he had strongly fought for a policy of socialized medicine.

In mid-December 1973, he was arrested in the course of his work by Air Force intelligence. After arrest he was detained for six days incommunicado in the El Bosque Air Base, where he was subjected to repeated interrogations involving various types of severe physical torture. Fifteen days later he was transferred to Investigaciones in Santiago, and later to the Chile Stadium. The only charge against Alvaro Reyes is that, on the day of the coup, he gave urgent medical attention to Allende's private secretary, who subsequently became one of the

most wanted people in Chile. Alvaro Reyes is currently detained in the National Penitentiary of Santiago, awaiting trial by military tribunal.

Natacha Carrión

Natacha Carrión, aged 29, had worked as a general practitioner in the hospital of Cunco, Temuco. She was arrested with her husband, Dr. Eduardo Gonzalez, on 12 September 1973. Her husband was executed soon after arrest. At the time of arrest, Natacha Carrión was pregnant and subsequently gave birth to a child in the womens' prison of Temuco. Despite her advanced state of pregnancy, Natacha Carrión was allegedly tortured during interrogation, by extensive beating and the application of electric shocks. After a summary trial by a military court in October 1973, she was sentenced to three years' imprisonment.

Military

Carlos Carbacho Astorga

Captain Carlos Carbacho was a specialized pilot and electronic engineer in the Chilean Air Force. After the coup, Carbacho was appointed troop commander at the Mapocho Railway Station. On 24 September he was suddenly arrested. His family was unable to ascertain his whereabouts until 3 October, when he appeared with evident signs of maltreatment.

In June 1974 he was brought to trial by court martial, accused of treason, violations of external security and promoting sedition within the Armed Forces, under Articles 245 and 274 of the Code of Military Justice. The death sentence was demanded by the military prosecutor. It was alleged that Carbacho had been responsible for security, in plans for the Marxist infiltration of the Air Force, and had also made a plan of the El Bosque Air Base available to Marxist infiltrators. Other sources allege that the real reason for Carbacho's arrest was his prominent intellectual position, and his consistent opposition to plans for the military coup. The sentence passed on him is not known, although it is now believed that the death sentence will not be passed.

Carlos Perez Tobar

Lieutenant Carlos Perez Tobar, aged 26, entered the Chilean Army in the 1960s. On 15 October 1973 he was arrested and detained incommunicado in the Tacna Regiment. Lieutenant Perez had asked to resign from the army on hearing that his younger brother, a 24-year-old student at the Catholic University of Valparaíso, had been tortured by the armed forces and subsequently sentenced to 23 years' imprisonment. It is now understood that Perez will be tried for high treason and that the death sentence has been demanded provisionally by the military prosecutor. It is not known whether the court martial has yet taken place.

Cultural Groups

Since the military coup, the popular arts have been virtually destroyed in Chile. During the three years of the Popular Unity government, a number of Chilean revolutionary singers and musical groups achieved international fame. Popular theater, ballet, dance and cinema were also created or expanded, many

of the groups conducting tours abroad. After the coup, a number of artists were killed. Among the executed can be listed Victor Jara, actor, singer and theater director, who was killed in the Chile Stadium; Jorge Peña, actor, founder and director of the Symphonic Orchestra of La Serena, executed soon after his arrest in October 1973; Sergio Leiva, actor and teacher of popular theater, who was shot dead in the Argentine Embassy on 7 January 1974 by military troops who fired at him from outside the embassy grounds for no apparent reason.

Many arts companies have been forced to close down. The National Folklore Ballet has been disbanded, its director going into exile after imprisonment in the National Stadium. Three other ballets (Púcara, Tucumán and the Popular Ballet) have been disbanded. Drama schools within the national universities have also been severely affected, many members of these faculties having been imprisoned. In the Theater Department of the University of Chile in Santiago alone, it has been reported that 44 out of 60 actors and drama teachers had been dismissed from their jobs by March 1974. Theater departments have also disappeared in the universities of Valparaíso, Antofagasta and Concepción.

Similar restrictions have been placed on Chilean television. In Santiago, there were three television channels: 7, 9 and 13. The director of channel 7, Augusto Olivares, died in the Moneda Palace on the day of the coup. The director of channel 9 was forced to seek political asylum. The director of channel 13, after initially supporting the coup, has now been dismissed by the military junta. In the field of music, there have been similar restrictions. The Music School of the University of Chile was closed after the coup. It is reported that some of the indigenous musical instruments, which figured prominently in popular songs, have been banned by the junta.

Marcelo Romo

Marcelo Romo, a prominent film-actor, received in 1964 the award of the best actor of the year for his part as Romeo in a Santiago production of Shakespeare's "Romeo and Juliet". He is perhaps best known abroad for his performance in the film *El Chacal de Nahueltoro* (The Jackal of Nahueltoro) which has been screened widely in Europe. Marcelo Romo was arrested in October 1973, and has allegedly been tortured during interrogation in various places of detention. Although he was detained in the public prison of Santiago at the beginning of 1974, recent reports indicate that he may have been transferred to Chacabuco. He is expected to be tried by military tribunal in the near future, although the charges are unknown.

Elsa (Coca) Rudolphi Romani

Elsa Rudolphi studied theater at the Catholic University of Santiago until 1970. Since then she has played in the *El Errante* theatre group. She was also a member of the Cultural Commission of SIDARTE (Syndicate of Theater Actors) over which the military took control after the coup. She was arrested in October 1973, allegedly beaten and subjected to humiliating treatment. It is reported that a sentence of 15 years' imprisonment has been demanded by the military prosecutor for her forthcoming trial by military tribunal. The exact charges are unknown to Amnesty International. Elsa was held in solitary confinement until

January of this year and is now permanently deaf in one ear as a result of torture.

Journalists

The military coup spelled the end of all newspapers, radio stations, etc., that had supported the Popular Unity government. Among other newspapers that closed down immediately were *El Siglo* and *Puro Chile* (Communist) and *Clarín* and *Última Hora* (Socialist). Several magazines disappeared, including *Punto Final* and *Chile Hoy*, as well as a large number of radio stations throughout Chile. More recently, *La Prensa* was closed down at the beginning of 1974, while the party radio, Radio Balmaceda, has recently limited itself to music programs and trivia after its editorial programs have suffered censorship from the military junta. More than 20 publications altogether have been suppressed, and over 40 journalists detained. In recent months, the majority of detained journalists have been transferred to Chacabuco.

José Gómez López

José Gómez López, aged 52, had been chief editor of the daily newspaper *Puro Chile* during the Allende government. Arrested soon after the coup, he was taken first to the Chile Stadium, then to the National Stadium. Since the closure of the National Stadium, he has been detained pending trial in the public prison of Santiago. It is understood that the charges against him involve "defamations" and "libels" that are alleged to have appeared in the editorial articles of *Puro Chile* before the coup. Several friends of José Gomez have approached Amnesty International, expressing their concern at reports that he has been gravely maltreated in prison.

Carlos Jorquera

Carlos Jorquera, aged 50, had worked in Chilean television and had also been President Allende's press secretary. Arrested almost immediately after the coup, he was taken to Dawson Island together with ex-ministers and other important political figures of the Allende government. Since his recall to Santiago in May 1974, he has been detained in the Telecommunications School. The formal charges against him are not known. Carlos Jorquera is married with two children.

Trade Unionists

Trade union leaders, particularly members of the Central Workers Union (CUT) and Federation of Revolutionary Workers (FTR) have been arrested in large numbers. Very many have been killed soon after arrest. Available lists of executed prisoners indicate that trade union leaders, more than any other sector, were singled out for execution in the weeks after the military coup.

The dissolution of the Central Workers Union and other trade union federations has provoked widespread international concern. The General Conference of the International Labour Organization (ILO), at its session in Geneva in June 1974, expressed grave concern at the "arrest, execution, deportation of trade unionists, dissolution of trade union organizations, and restrictions of the right to organize and to collective bargaining". The ILO also noted that the junta's decision to increase the working week by four hours, while at the same time

freezing wages, was "contrary to all national and occupational agreements in Chile and a flagrant violation of the principles and standards laid down in the Constitution of the ILO and in the Hours of Work (Industry) Convention, 1919, (No. 1) which has been ratified by Chile".

Alejandro Alarcón

Alejandro Alarcón, aged about 25, had worked in the Bellavista Tome textile enterprise in Concepción. During the Allende government, he had been a national counsellor of the CUT and also President of the FTR for the region of Concepción. Later, he had resigned from the FTR. He was arrested on 28 September 1973, when trying to seek asylum in a Santiago embassy and later held in the public prison of Santiago. Alejandro Alarcón has recently been transferred to Chacabuco.

Joel Michillanca

Joel Michillanca, aged about 35, had worked as a fisherman, was a member of the Communist Party, and regional trade union leader in the province of Valdivia. He was arrested on 18 September 1973, apparently because of his activities as a trade union militant and member of the Communist Party. His current place of detention is not known. Joel Michillanca is married with eight children.

Students

William Enzo Villanueva

William Enzo, aged 24 years, had been a student of English at the University of Arica in northern Chile. During the Allende government, he had once belonged to the Revolutionary Student Front (FER), a recognized legal federation which was supported by a number of students favouring Allende policies within the universities. William Enzo was arrested at his home on 22 October 1973. First he was detained at police headquarters, then for seven days incommunicado in the public prison of Arica, before he was subjected to interrogation.

After a series of interrogations at the beginning of December 1973, he was indicted on several charges including membership of the FER and riotous behaviour during student demonstrations in April 1972. On 26 December, he was ordered to appear before a military tribunal on the following day. He was only able to consult with his lawyer for a period of five minutes on 27 December, shortly before his trial took place. At his trial, he was formally accused of the following charges: assault, possession of arms, possession of Marxist literature, participation in demonstrations, links with extremist leaders and meetings with extremists. After a cursory trial, William Enzo was sentenced to 19½ years' imprisonment. He is currently serving the sentence in the public prison of Arica.

Jorge Gatt

Jorge Gatt, a student of chemical engineering at the University of Concepción, was detained in Santiago immediately after the military coup. Held in the National Stadium until the beginning of November, he was transferred to Chacabuco. He has not been charged. The reasons for his arrest and continued detention are unknown to AI.

AMNESTY INTERNATIONAL AND CHILE— A CHRONOLOGY

1973

- 11 September Chilean Armed Forces overthrow the government of Dr Salvador Allende.
- 15 September Amnesty International and International Commission of Jurists issue statement calling for UN intervention on threats to civilian lives and to refugees in Chile.
- 16 September AI's International Council, meeting in Vienna, calls on the new Chilean government to stop executions, arrests and threatened deportations.
- October At the UN in New York, AI Secretary General Martin Ennals is given assurances by the Chilean Foreign Minister, Admiral Ismael Huerta Diaz, that "torture is against the principles of the Chilean Government" and that all prisoners will be given a fair trial and the right to appeal against sentence. Admiral Huerta Diaz invites Amnesty International to visit Chile and assures Mr Ennals that a mission will be free to carry out investigations.
- 1-8 November AI mission visits Chile. The delegates are: Professor Frank Newman, professor of law at the University of California, Judge Bruce W. Sumner, presiding judge of the Supreme Court of Orange County, California, and Roger Plant, Researcher in the Latin American Department of AI's International Secretariat.
- The mission's terms of reference are to:
- make representations to the Chilean Government regarding executions.
 - report upon procedures of interrogation, detention, charge and trial.
 - inquire into allegations of torture.
 - meet with defence lawyers and to advise on financial and other assistance to prisoners and their families.
- 7 December Professor Frank Newman gives testimony on the findings of the mission to members of the Committee on Foreign Affairs of the United States House of Representatives.
- 11 December At AI's Conference for the Abolition of Torture, Chairman Sean MacBride criticizes torture in Chile. AI sends cable protesting against long prison sentences and death sentences. Report of mission is sent to the Chilean Government. In a letter to General Pinochet, Martin Ennals urges that:
- all executions cease and lists of those already executed be published.
 - "immediate steps be taken and proclaimed to establish tribunals of inquiry into allegations of torture and that

international observers by invited to participate".

- lists of detainees be published to "assuage the fears of people who do not know where relatives and friends are detained, or even whether they are detained".
- the decision to try former members of the Allende government be rescinded because legislation that creates a crime retroactively "is an affront to any system of justice".
- prisoners against whom charges are not filed, preparatory to trial, should be released immediately.
- the Chilean government "renew its assurances to respect the right of asylum".

1974

- 19 January The Chilean government issues a public statement rejecting the report in its entirety without commenting on the substance of the report.
The President of the Supreme Court publicly attacks AI in his opening annual address.
- 28 January Martin Ennals replies to the criticisms of the report in a letter to General Pinochet.
- February-March Professor Frank Newman gives testimony to the UN Human Rights Commission.
- May Judge Horst Woesner of the West German Federal Court represents AI in Chile. His brief is to investigate judicial procedures in Santiago and the provinces and to observe the air force and other trials in Santiago and the provinces.
- 3 June Judge Woesner reports that defence procedures in Santiago are wholly inadequate, that torture continues and that death sentences have been passed on two men in Valdivia. These sentences were subsequently commuted after widespread expression of concern from both AI sections and other organizations.
- 30 July Death sentences are passed on three members of the Chilean armed forces and one civilian on charges of treason. Martin Ennals, in a letter to General Pinochet, appeals for the sentences to be commuted. As a result of widespread international pressure, the four death sentences were commuted to 30 years' imprisonment on 6 August.

Throughout 1974, Amnesty International has briefed several missions to Chile, to observe trials, meet with defence lawyers, investigate torture and make arrangements for the channelling of aid to the families of political prisoners.

Considerable aid has been given to refugees from Chile and some fares have been paid from Latin America to European countries by AI national sections, especially by the sections in Germany, Sweden, Holland, Mexico and France.

By August 1974, individual AI groups are working for the release of approximately 140 Chilean prisoners.

OTHER AMNESTY INTERNATIONAL PUBLICATIONS

Amnesty International Report on Torture

A survey of torture allegations in more than 60 countries. Issued in conjunction with Amnesty International's worldwide Campaign for the Abolition of Torture. 224 pages. Paperback £1.50 (US \$3.75), cloth £3.95 (US \$10). December 1973.

Political Prisoners in South Vietnam

A report on the 100,000 or more civilians still detained by the Saigon Government, with reference to political prisoners also held by the PRG. 36 pages, illustrated. 35 pence (US \$0.90). July 1973.

Report on Allegations of Torture in Brazil

The other face of Brazil's much-vaunted "economic miracle": a report on how torture has become an institutional instrument of terror and repression in the country. 108 pages. £1.20 (US \$3.00). First published September 1972. Second edition reset with revised preface and commentary. July 1974.

Report of an Enquiry into Allegations of Ill-Treatment in Northern Ireland

An Amnesty International investigation into 30 cases of alleged brutality by the security forces against detainees. 48 pages. 75 pence (US \$1.85). March 1972. Reprinted July 1974.

Political Imprisonment in Spain

This report, which traces the history of post-civil war political imprisonment in Spain, describes the legal machinery used to repress opponents of the government and shows the brutality and discrimination suffered by them. 32 pages, illustrated. 50 pence (US \$1.25). August 1973. (Spanish edition, without illustrations, 30 pence (US \$0.75)).

Indonesia Special

A report on the ordeal of the 55,000 political prisoners detained in Indonesia since 1965 without charge or trial and without any civil and legal rights. 30 pages, illustrated. 35 pence (US \$0.90). March 1973.

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CHILE: ONE YEAR LATER

On 11 September 1973 a bloody military coup overthrew the democratically elected government of President Salvador Allende of Chile. The junta that seized power embarked immediately on a program of repression that shocked the world: persecution of government supporters, mass arrests, detention, torture, summary trials and executions.

This report by Amnesty International, which sent its own investigation team to Santiago in November 1973, reviews the fateful year that has passed since the coup.

It examines the political imprisonment, the executions, deaths and disappearances, the junta's systematic use of torture, its abuse of legal procedures and flouting of Chile's own constitution and international undertakings, and the tragedy of the refugees who thought they had found a safe haven in Chile.

The report also details some of the individual cases of suffering since the coup.

Price: 85 pence (US \$2.10)